JURISTIC QUESTIONS

THE PUBLISHER?S FOREWORD




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JURISTIC QUESTIONS

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Contents

Contents ----- ۵

JURISTIC QUESTIONS ----- ۸

THE PUBLISHER?S FOREWORD ----- ۸

PREFACE ----- ۸

OFFERING TWO PRAYERS AT ONE TIME ----- ۹

part ۱ ----- ۹

part ۲ ----- ۱۵

?IS BASSMALA A QURANIC VERSE ----- ۲۱

?IS IT TO BE RECITED IN PRAYERS ----- ۲۱

part ۱ ----- ۲۱

part ۲ ----- ۲۵

The excuse of our opponents ----- ۲۸

RECITING QURAN IN THE PRAYER ----- ۳۳

part ۱ ----- ۳۳

part ۲ ----- ۳۸

TAKBEERATUL IHRAM ----- ۴۲

TRAVELER?S TAQSEER AND FAST BREAKING ----- ۴۴

[Legislating taqseer[۱۰۶ ----- ۴۴

Legislating fast breaking ----- ۴۵

The conditions of taqseer ----- ۴۶

Our evidence ----- ۴۷

The excuse of ash-Shafi?iy and those who consider taqseer as not wajib ----- ۵۰

The conditions of fast breaking ----- ۵۲

The distance that determines taqseer and fast breaking ----- ۵۶

TEMPORARY MARRIAGE ۵۸

۱. The way of this marriage ۵۸

۲. The consensus of the umma on the legality of the temporary marriage ۶۱

۳. The evidences of the Quran ۶۱

۴. Temporary marriage in the Sunna ۶۲

۵. Those who said it was annulled and their excuses about that ۶۳

۶. True traditions betraying the caliph ۶۶

۷. The deniers of Omar?s decision ۶۹

۸. The Shia?s thought about temporary marriage ۷۲

WIPING THE FEET OR WASHING THEM IN WUDU? ۷۳

explaination ۷۳

The evidence of the Shia ۷۳

A look at the traditions of washing ۷۷

A look at their excuse of approval ۸۱

To the ankles ۸۳

WIPING OVER SLIPPERS AND SOCKS ۸۵

part ۱ ۸۵

part ۲ ۹۰

SIX DISPUTABLE QUESTIONS ۹۶

۱. Wiping the ears ۹۶

۲. Does washing the head instead of wiping it suffice for wudu? ۹۷

۳. Order in performing wudu? ۹۷

۴. Succession of acts of wudu? ۹۸

۵. The intention ۱۰۰

۶. Performing wudu? with juice[۲۲۲] ۱۰۴

ENDNOTE ۱۰۸

۱-۵۰ ---------- ۱۰۸

۵۱-۱۰۰ ---------- ۱۱۵

۱۰۱-۱۷۰ ---------- ۱۲۳

۱۷۱-۲۲۴ ---------- ۱۳۳

About center ---------- ۱۴۰

JURISTIC QUESTIONS

THE PUBLISHER?S FOREWORD

Sayyid Sharafuddeen (may Allah have mercy upon him) was a great figure of jurisprudence, jihad and Islamic unity. He spent his blessed age in the way of that. He produced a great scientific heritage and strove in his jihad for the sake of the solidarity of the umma. Neither his scientific works nor his jihad could ever be .forgotten and they would serve the Islamic matter for ever

His style in writing was distinguished with clearness, accuracy, utmost objectivity and respecting the others? opinions; therefore the hearts of his friends and enemies .together were attracted to him

He played a great role in achieving wide juristical cordiality among the different Islamic sects through his wonderful writings, from among which we chose this valuable booklet although it was small but we hoped to achieve the same high aims .the author had achieved

May Allah have mercy upon the great honored jurisprudent Sharafuddeen and may !the all make use of his abundant knowledge

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PREFACE

These are juristic questions discussed in a clear and firm way. They depend upon the true evidences and follow the straight way. It is enough for them to be a result of a high learned mind and a wonderful pen depending upon the accurate scientific theories so that they are directed easily towards the bright way of rightness and .assisted by those accurate theories

This is a book among tens of books written by our honored great uncle Imam Sharafuddeen, who has supplied the Arabic library with what makes the seekers of the truth ladle

from this pure knowledge and makes them appreciate his apposite thinking, .truthfulness of evidences, impartiality and defending the rightness

In this valuable research you will find a correct knowledge depending upon the Book of Allah and the Sunna of His messenger for the author hasn?t depended upon other than them. Although the jurisprudential points discussed in this research are few, you .will get a great benefit out of them

Imam Sharafuddeen discussed these certain questions especially and made them the subject of his short thesis because these secondary questions were the source of much argument and disagreement. Much ado and fierce attacks often and often aroused about these points, hence Imam Sharafuddeen tried to ease the fierceness of the attackers and to lead the fair prudent ones towards the truth. On the other hand, he wanted to clear that the Shia wouldn?t adopt any religious matter, unless they were certain and sure that it was derived from the holy Quran and the true .Sunna

These questions are true examples giving you a clear image about the successful conclusion and fair jurisprudential investigation. You notice in them the high justification for they don?t care for other than clear evidences and true excuses .(derived from the holy Book of Allah and the sacred Sunna of the Prophet (s

Nooruddeen Sharafuddeen

OFFERING TWO PRAYERS AT ONE TIME

part ١

There was no disagreement among all the Islamic sects about the permissibility of offering Dhuhr prayer and Assr prayer at one time in Arafa.[١] It was called antecedence.[٢] The same was said about offering Maghrib and Isha? prayers at one time

in Muzdalifa.[٣] This was called delaying.[۴] In fact there was no any disagreement about preferring offering each two prayers together and considering that as a part of the Prophet?s Sunna but the Muslims disagreed upon offering two prayers together in .other than these two cases

The point of the dispute was about the permissibility of offering two prayers (whether Dhuhr and Assr or Maghrib and Isha?) in the time of one of them like anteceding one .of them as had been done in Arafa or delaying one as had been done in Muzdalifa

The infallible imams of the Prophet?s progeny had declared clearly that it was permissible (to offer two prayers together) at all but offering each one in its certain time would be better. The Shia followed their imams in this concern in every age and in every side of the earth. They often offered Dhuhr prayer and Assr prayer at one time and Maghrib and Isha? at one time whether they were in travel or not and whether there was an excuse for that or not. It was not different for them whether .anteceding one of the first two prayers or delaying one of the other two prayers

The Hanafites[۵] prohibited offering two prayers at one time at all except in Arafa and Muzdalifa in spite of that their Sihah[۶] had true traditions confirming the permissibility of that but they interpreted them according to their own thoughts. We will show you .the invalidity of their thoughts later on inshallah

As for the Shafi?is, the Malikites and the

Hanbalites,[٧] they permitted that in travel with some disagreements among them in case when there were no excuses like raining, mud, illness or fear. Also they were in dispute about the conditions of travel that might permit to offer two prayers together. [[٨

Our evidence, according which we worshipped Allah in this matter, was the true traditions of our infallible imams (s). But we might argue with the Sunni sects according to their own Sihah, in which many traditions were mentioned talking about .the permissibility of offering two prayers at one time

:Muslim[٩] said in his Sahih

a. Yahya bin Yahya told us from Malik from Abuz Zubayr from Sa?eed bin Jubayr that ibn Abbas had said: ?The Prophet (s) offered Dhuhr and Assr prayers together (at one time)[١٠] and offered Maghrib and Isha? prayers together where there was no fear ?.nor was he on travel

b. Abu Bakr bin Abu Shayba narrated from Sufyan bin Oyayna from Amr bin Dinar from Abush Sha?tha? Jabir bin Zayd that ibn Abbas had said: ?I offered prayers with the Prophet (s) eight times, in which he offered each two prayers at one time. I think he delayed Dhuhr prayer and preceded Assr prayer and delayed Maghrib prayer and [preceded Isha? prayer.? Muslim said: ?I think so too.?[١١

c. Abur Rabee? az-Zahrani narrated from Hammad bin Zayd from Amr bin Dinar from Jabir bin Zayd that ibn Abbas had said: ?The Prophet (s) offered Dhuhr and Assr ?.prayers together and Maghrib and Isha? together seven or eight times in Medina

d. Abur Rabee? az-Zahrani narrated

from Hammad from az-Zubayr from bin al-Khareet that Abdullah bin Shaqeeq had said: ?One day Abdullah bin Abbas made a speech after the Assr prayer until the sun set and the stars appeared in the sky. People began to cry: The prayer! The prayer! Then a man of Tameem,[۱۲] who was so bold and who wouldn?t abate nor would he give up, came to ibn Abbas saying: ?The prayer! The prayer!? Ibn Abbas said to him: ? Do you teach me the Sunna?!? Then he added: ?I have seen the Prophet (s) offering Dhuhr and Assr prayers at one time and offering Maghrib and Isha? prayers at one time.? Abdullah bin Shaqeeq said: ?I doubted about that. I went to Abu Hurayra and asked him. He confirmed the saying of ibn Abbas.?[۱۳]

e. Ibn Abu Omayr narrated from Wakee? from Imran bin Hadeer that Abdullah bin Shaqeeq al-Aqeeli had said: ?A man said to ibn Abbas: The prayer! Ibn Abbas kept silent. Then the man said: The prayer! He kept silent. Then he said: The prayer! Ibn Abbas said: ?Do you teach us the prayer?! We often offered the prayers together at the time of the Prophet (s).?

An-Nassa?iy mentioned a tradition narrated by Amr bin Harm from Abush Sha?tha? that ibn Abbas offered Dhuhr and Assr prayers with no period of time separating between them because of business. He justified that by referring to the Prophet (s).[۱۴]

f. Ahmed bin Younus and Oun bin Salam narrated from Zuhayr from Abuz-Zubayr from Sa?eed bin Jubayr that ibn Abbas had

said: ?The Prophet (s) offered Dhuhr and Assr prayers at one time in Medina without fear or travel.?[۱۵] Abuz Zubayr said: ?I asked Sa?eed why the Prophet (s) did so. He said: I asked ibn Abbas the same question and he said: the Prophet (s) did so in order not to embarrass any one of his umma.?[۱۶]

g. Abu Bakr bin Abu Shayba and Abu Kurayb narrated from Abu Mo?awiya and Abu Kurayb and Abu Sa?eed al-Ashajj narrated from Wakee? and Abu Mo?awiya from al-A?mash from Habeeb bin Abu Thabit from Sa?eed bin Jubayr that ibn Abbas had said: ?The Prophet (s) offered Dhuhr and Assr prayers at one time and offered Maghrib and Isha? prayers at one time in Medina where there was no fear or rain.? ?Wakee? asked Ibn Abbas why did the Prophet (s) do so and ibn Abbas said: ??in order not to embarrass his umma.? In the tradition of Abu Mo?awiya also it was said to ibn Abbas: What did the Prophet (s) want by doing so? Ibn Abbas said: He (the Prophet (s)) wanted not to embarrass his umma.?

h. Yahya bin Habeeb al-Harithi narrated from Khalid bin al-Harth from Qurra bin Khalid from Abuz Zubayr from Sa?eed bin Jubayr that ibn Abbas had said: ?The Prophet (s) offered Dhuhr and Assr prayers at the same time and offered Maghrib and Isha? at the same time on his travel during the battle of Tabook.? Sa?eed said: ?I asked ibn Abbas that what led the Prophet (s) to do that. He said:

?.he wanted not to embarrass his umma

i. Yahya bin Habeeb narrated from Khalid bin al-Harth from Qurra bin Khalid from Abuz Zubayr from Aamir bin Wa?ila Abut Tufayl that Mu?ath bin Jabal had said: ? During the battle of Tabook the Prophet (s) offered Dhuhr and Assr prayers together and offered Maghrib and Isha? prayers together. I asked what led him to do that. It ?.was said that he didn?t want to embarrass his umma

These true traditions mentioned in the Sihah were clear in showing the reason behind the legislation of offering two prayers at one time. It was to let people have some ease in offering the prayers and not to be burdened with them because separation between the prayers-offering each one in its certain time-might be somehow difficult for the most of people, who would be busy with their works and affairs of living. The last two traditions were not restricted to travel or other excuses like illness, raining, fear or others as they were by themselves but they referred to generality that the permissibility of offering two prayers at one time was absolute and not limited to special cases. Therefore you found that Imam Muslim didn?t mention these traditions under the chapter of ?offering the prayers together where there was no travel? to be as evidences for the absolute permissibility of that and this showed his prudence, .knowledge and fairness

The traditions mentioned by Muslim were according to the conditions depended by al-Bukhari in deciding the truthfulness of traditions and the narrators also were

depended upon by al-Bukhari so what made him (al-Bukhari) not mention all the traditions talking about the subject? What led him to be satisfied with a few of them? And why didn?t he assign a certain chapter about the true traditions talking about offering prayers at one time whether in travel or not although that most imams of the different sects had acknowledged the permissibility of offering two prayers at one time? And why did he choose the weakest traditions in proving the subject? I don?t think that al-Bukhari was one of those, who changed the words from their (right) !places and concealed the truth which they themselves knew well

:Here is what he has chosen of traditions in his Sahih talking about this subject

a. Abun Nu?man narrated from Hammad bin Zayd from Amr bin Dinar from Jabir bin Zayd that ibn Abbas had said: ?The Prophet (s) offered Dhuhr and Assr prayers in the same time and offered Maghrib and Isha? prayers in the same time in Medina seven ?!or eight times.? Ayyoub said: ?Perhaps it was in a rainy night.? He said: ?Perhaps

!They follow but conjecture) as Allah says)

b. Adam narrated from Shu?ba from Amr bin Dinar from Jabir bin Zayd that ibn Abbas ?.had said: ?The Prophet (s) offered prayers together seven or eight time

c. From ibn Omar, Abu Ayyoub and ibn Abbas that the Prophet (s) offered Maghrib and .Isha? prayers (together) in the time of one of them rather than the other

part ٢

Mentioning this very few traditions from among much many

true traditions evidencing the subject was enough to confirm what we said about al-
.Bukhari

Also it was confirmed by the saying of ibn Mass?ood: ?The Prophet (s) offered-in Medina-Dhuhr and Assr prayers together and offered Maghrib and Isha? prayers together. He was asked about that and he said: I did so lest my umma would be [embarrassed.? It was mentioned by at-Tabarani.[١٧

It was mentioned that Abdullah bin Omar was asked: ?Why did the Prophet (s) offer Dhuhr and Assr prayers together and Maghrib and Isha? prayers together in Medina where he was not on travel?? He said: ?He did so in order that his umma not to be [embarrassed.?[١٨

Anyhow all the Sunni jurisprudents acknowledged the permissibility of offering the prayers in one time and they were certain that these traditions were true in .evidencing this matter

You can refer to whatever you like of their comments on these traditions talking [about the permissibility of offering two prayers in one time.[١٩

Yes! They interpreted the tradition according to the doctrines of their sects; therefore .they became in a dark confusion

The comment of an-Nawawi on these traditions mentioned in his book Sharh Sahih Muslim was enough to show you the truth. He said, after considering the traditions as clear evidence confirming the permissibility of offering the prayers together in residence: ?The ulema had different interpretations and thoughts. Some of them justified that by saying that the Prophet (s) had offered the prayers together because of the rain. This was the thought of some of the first great personalities.[٢٠] But this

was a weak justification according to the second tradition of ibn Abbas when saying (?without fear or rain). Some of them pretended that the sky was cloudy so the Prophet (s) offered the Dhuhr prayer but when the clouds dispelled, it appeared that it was the time of Assr prayer then the Prophet (s) offered the Assr prayer.[٢١] This was also vain because if it was possible for Dhuhr and Assr prayers, it wouldn?t be possible for Maghrib ans Isha? prayers.

Some of them pretended that the Prophet (s) had delayed the first prayer (Dhuhr) until the end of its time and so when he had finished offering it, the time of the Assr prayer came and then he offered it; therefore his gathering the two prayers was just formal.[٢٢] This was weak and vain too because it contradicted the meaning of the tradition so clearly. The doing of ibn Abbas when he made his speech and the people cried: the prayer, the prayer, but he didn?t pay any attention to them and he justified his delaying the Maghrib prayer until the time of the Isha? prayer and then Abu Hurayra confirmed that and didn?t deny it when he was asked; all that refuted the above interpretation.?

Ibn Abdul Birr, al-Khitabi and others denied this interpretation too. They said that offering prayers together was a kind of authorization and if it was formal, it would be so difficult to offer each prayer in its time because the beginnings and the ends of prayers? times couldn?t be perceived

by most of the scholars so how about the ordinary people! They said that ibn Abbas? saying (?he wanted not to embarrass his umma) was clear evidence proving the authorization of offering prayers together. Offering prayers together, which was cleared by the true traditions, was either by preceding the second prayer to be offered with the first one or by delaying the first prayer to be offered with the second one. They said that it was this meaning, which was understood from the wording of .these traditions. This was the very point of the dispute

An-Nawawi said: ?? and some of them interpreted the traditions as if offering prayers together was because of illness or something like that. This was the thought of Ahmed bin Hanbal and the judge Husayn and it was adopted by our companions; al-Khitabi, al-Mutawalli and ar-Rawyani. This was the apparent meaning according to the ?.wording of the traditions

No evidence in the traditions showing what they said. Saying so was but fabrication as [al-Qastalani had said in his book Sharh Sahih al-Bukhari.[٢٣

Some of the scholars criticized him (an-Nawawi) too by saying: ?It was said that offering prayers together was because of illness. An-Nawawi confirmed this saying. But this justification was not correct because if the Prophet (s) had offered the prayers together because of illness, then no one would have offered prayers with him except those who were ill, whereas the Prophet (s) had offered the prayers with a group of his companions as it had been narrated by ibn Abbas in

[a true tradition.?[۲۴

Since there was no interpretation accepted by the ulema about the traditions talking about offering the prayers together, so some of the Sunnis adopted the thought of the Shia about the matter unknowingly. An-Nawawi mentioned them after he had refuted their false interpretations. He said: ?Some of the scholars permitted offering prayers together in residence (in one?s place of living-not being in travel) if it was necessary for those, who would not take it as a habit. This was the thought of ibn Seereen and Ashhab, who were Malik?s companions. So was the thought of al-Qaffaal ash-Shashi al-Kabeer, who was one of ash-Shafi?iy?s companions as it was said by al-Khitabi. The same was thought by Abu Iss~haq al-Mirwizi and some of the scholars of Hadith. Ibnul Munthir acknowledged this thought when he said: ?The saying of ibn Abbas confirmed this thought when he said that the Prophet (s) didn?t want to embarrass his umma where he didn?t justify it by illness or anything else. Allah is the most aware!? This was his own saying.[۲۵] Some others of the Sunni ?.scholars[۲۶] had said the same

Some of the Sunni researchers in our time might adopt our thought, as I was told by more than one of them, but they didn?t dare to inform the public of that or ihtiyat (precaution) might prevent them from that because separating the prayers (offering each one in its certain time) would be better than offering them together but an ,important thing escaped them that separating prayers led many people

who would be busy with their jobs during the time of prayers, to give up offering the prayers whereas offering prayers together would be more possible to make them keep to their prayers. Hence the jurisprudents would better give a fatwa to permit the public to offer the prayers together in order to make it easy for them and not difficult. (Allah desires ease for you, and He does not desire for you difficulty ۲:۱۸۵), (?and He .(has not laid upon you any hardship in religion ۲۲:۷۸

The evidence of offering the prayer together absolutely is clear according to the holy Quran and the Sunna. The Quran has declared that the times of obligatory prayers are three only; a common time for Dhuhr and Assr prayers, a common time for Maghrib and Isha? prayers and a third time for the Fajr (dawn) prayer. Allah says: (Keep up prayer from the declining of the sun till the darkness of the night and the (morning recitation; surely the morning recitation is witnessed. ۱۷:۷۸

Imam ar-Razi said when interpreting this verse in his Tafseer:[۲۷] ?If we interpret ghasaq[۲۸] (dusk) as the beginning of darkness in the sunset, so according to this account mentioned in the verse, the times of prayers are three; the time when the sun declines, the beginning of the sunset and the time of the dawn. This requires that the time when the sun declines, is to be a common time between Dhuhr and Assr prayers, the beginning of the sunset is to be a common time

between Maghrib and Isha? prayers. This determines the permissibility of offering the prayers together absolutely.[۲۹] But the evidence shows that offering prayers together in residence without an excuse is not permissible so it becomes obligatory for offering prayers together that there must be an excuse like travel, raining or other ?.things

We strove in researching for what he had said that offering prayers together in residence without an excuse wouldn?t be permissible but we, by Allah, couldn?t find anything leading to it. Yes, the Prophet (s) offered prayers together when there was an excuse but he also offered prayers together when there was no any excuse for that lest he would embarrass his umma. We had no any objection that offering each prayer in its certain time would be better; therefore the Prophet (s) had preferred it [except when there was an excuse as he used to do with mustahabs.[۳۰

?IS BASSMALA A QURANIC VERSE

?IS IT TO BE RECITED IN PRAYERS

part ۱

The Muslim scholars disagreed on this matter.[۳۱] Malik and al-Awza?iy thought that it was not a part of the Quran and they prohibited their followers from reciting it in the prayers whether it was in the beginning of sura of Hamd[۳۲] or in the beginning of the second sura and whether it was recited loudly or softly but they permitted to be [recited in nafila.[۳۳

Abu Haneefa, ath-Thawri and their followers recited bassmala with sura of Hamd but they said that it must be recited softly even in the loud-recited prayers.[۳۴] This showed that they agreed with Malik and al-Awza?iy. We didn?t find any evidence justifying that

.except that they didn?t consider it as part of the Quran

Ash-Shafi?iy recited bassmala loudly in loud-recited prayers and softly in soft-recited prayers and considered it as a verse of sura of Hamd. So was the thought of Ahmed .bin Hanbal, Abu Thour and Abu Obayd

Different sayings were mentioned about the thought of ash-Shafi?iy concerning bassmala; whether he believed that it was a part of every sura except Bara?a[۳۵] (۹) or it was not a verse except in sura of Hamd. But his companions agreed upon that bassmala was a verse of all the suras[۳۶] and justified the two different sayings [mentioned about their Imam?s thought.[۳۷

As for us-the Shia-we agreed, according to our infallible imams, upon that bassmala was a complete Quranic verse of every sura except Bara?a and whoever left reciting it in the prayer intendedly, his prayer would be vain whether the prayer was wajib (obligatory) or mustahab. It must be recited loudly in loud-recited prayers and it was desirable (mustahab) to be recited loudly in soft-recited prayers.[۳۸]It was a piece of a verse in sura of an-Naml. The traditions of our infallible imams were clear in denying the sayings of their opponents. Imam Sadiq (s) said: ?What?! They attacked the greatest verse of the Book of Allah the Almighty and they pretended that it was a heresy and then they spread their heresy about the verse (In the name of Allah, the [Beneficent, the Merciful).[۳۹

Our evidence from the Sunni side is the traditions mentioned in their Sihah and how !many they are

Ibn .۱

Jurayj narrated from his father from Sa?eed bin Jubayr that ibn Abbas when talking about the Quranic verse (And certainly We have given you seven of the oft-repeated (verses) and the grand Quran ۱۵:۸۷) had said: ?It is the Fatiha[۴۰] of the Book; In the name of Allah, the Beneficent, the Merciful. All praise is due to Allah, the Lord of the Worlds?etc.). Ibn Jurayj said: ?I asked my father: Did Sa?eed tell you that ibn Abbas had said that (in the name of Allah, the Beneficent, the Merciful) was a Quranic verse? He said: Yes!?[۴۱]

۲. Ibn Abbas said: ?The Prophet (s), whenever Gabriel came to him and recited in the name of Allah, the Beneficent, the Merciful, knew that it was a sura.?[۴۲]

۳. Ibn Abbas said: ?The Prophet (s) didn?t know that a sura was completed until a new in the name of Allah, the Beneficent, the Merciful was revealed to him.?[۴۳]

۴. Ibn Abbas said: ?The Muslims didn?t know that a sura was completed until in the name of Allah, the Beneficent, the Merciful was revealed. When it was revealed, they became certain that the previous sura was completed.?[۴۴]

۵. Umm Salama said: ?The Prophet (s) used to recite (in the name of Allah, the Beneficent, the Merciful. All praise is due to Allah, the Lord of the Worlds?etc.) and scanned it verse by verse.?[۴۵]

Umm Salama said in another way: ?The Prophet (s) recited in the prayer (in the name of Allah, the Beneficent, the Merciful) and counted it as the first verse and then

recited (All praise is due to Allah, the Lord of the Worlds) and counted it as the second, then (The Beneficent, the Merciful) as the third, (Master of the Day of Judgment) as the fourth, then (Thee do we serve and Thee do we beseech for help) and gathered his five fingers.?[۴۶]

۶. Na?eem al-Mujammir said: ?I was behind Abu Hurayra (in offering the prayer) when he recited (in the name of Allah, the Beneficent, the Merciful) then he recited al-Fatiha until he finished it and said amen and the people said amen! When he finished the prayer, he said: ?I swear by Him, in Whose hand my soul is, that I am the most similar to the Prophet (s) in offering the prayer.?[۴۷]

Abu Hurayra said: ?The Prophet (s) used to recite (in the name of Allah, the Beneficent, the Merciful) loudly in the prayers.?[۴۸]

۷. Anass bin Malik said: ?Once Mo?awiya offered a prayer in Medina and he recited (in the name of Allah, the Beneficent, the Merciful) loudly for al-Fatiha but he didn?t recite it for the second sura. When he finished the prayer, some of the Muhajireen and the Ansar,[۴۹] who heard him, shouted at him: ?O Mo?awiya! Did you steal the prayer or forget?? When he offered the prayer after that, he recited bassmala for the second sura.? Al-Hakim mentioned this tradition in his Mustadrak and considered it true according to (Imam) Muslim?s conditions.[۵۰] The tradition was mentioned by others like Imam ash-Shafi?iy,[۵۱] who commented on it. It would be better to quote

his comment. He said: ?Mo?awiya was a very powerful ruler, so unless reciting bassmala loudly was a certain verdict among all the companions of the Muhajireen and the Ansar, they wouldn?t dare to object to him when he didn?t recite bassmala.?
[[۵۲

part ۲

I would like to comment on this tradition to draw the attention of every researcher to the evidence this tradition had that confirmed our thought (the Shia?s thought) about bassmala in the prayer and that it was not permissible to recite bassmala with al-Fatiha only and not to recite it with the second sura, otherwise the companions wouldn?t have objected to Mo?awiya unless the matter of bassmala had been like the .Shia?s thought

۸. It was narrated from another way that Anass had said: ?I heard the Prophet (s) reciting (in the name of Allah, the Beneficent, the Merciful) loudly in the prayer.?[۵۳]

۹. Muhammad bin as-Sariy al-Asqalani said: ?I offered Fajr and Maghrib prayers behind al-Mu?tamir bin Sulayman innumerable times. He recited (in the name of Allah, the Beneficent, the Merciful) loudly before al-Fatiha and before the second sura. I heard al-Mu?tamir saying: I haven?t failed to imitate my father?s prayer and my father said: I haven?t failed to imitate Anass? prayer and Anass said: I haven?t failed to imitate the Prophet?s prayer.?[۵۴]

This tradition and other traditions showed that they (the Sunnis) used to recite bassmala with the second sura after al-Fatiha in the prayers like the Shia. Many other traditions confirmed this matter.[۵۵]

Qatada said: ?Anass bin Malik was asked that how the Prophet (s)

recited in his prayers. He said: ?He used to stress his reciting.? Then he recited (bismillahir-rahmanir-raheem)[۵۶] and he stressed ar-rahman (the Beneficent) and ?.(ar-raheem (the Merciful

Hameed at-Taweel narrated that Anass bin Malik had said: ?I offered prayers behind ?.the Prophet (s), Abu Bakr, Omar, Othman and Ali. All of them recited bassmala loudly

All the previous traditions were mentioned by Abu Abdullah Muhammad bin Abdullah al-Hakim an-Nayssaboori in his Mustadrak. He said after the last tradition: ?I mentioned this tradition to be evidence for the previous traditions. These traditions showed clear objection to the tradition narrated by Qatada that Anass had said: ?I offered prayers behind the Prophet (s), Abu Bakr, Omar and Othman and I didn?t hear ?.(any of them reciting (in the name of Allah, the Beneficent, the Merciful

Then al-Hakim said: ?Many other traditions narrated by Othman, Ali, Talha bin Obaydillah, Jabir bin Abdullah, Abdullah bin Omar, al-Hakam bin Omayr ath-Thimali, an-Nu?man bin Basheer, Samra bin Jundub, Burayda al-Aslami and Aa?isha bint Abu Bakr concerning this subject. I didn?t mention them in order not to overburden the reader with them. I chose from among what might fit this chapter. Also I mentioned in this chapter those, who recited bassmala loudly in their prayers, of the companions, [the successors and the successors? successors.?[۵۷

Ar-Razi mentioned in his at-Tafseer al-Kabeer[۵۸] that al-Bayhaqi had mentioned in his Sunan some traditions about reciting bassmala loudly in the prayer narrated by Omar bin al-Khattab, ibn Abbas, ibn Omar and ibn az-Zubayr. Then ar-Razi said: ?As for Ali bin Abu Talib

may Allah be pleased with him), it was proved recurrently that he recited bassmala) loudly in his prayers and whoever imitated Ali bin Abu Talib in his religion, would be guided. The evidence for that was the saying of the Prophet (s): ?O Allah! Turn the ?.rightness with Ali wherever he turns

It would be a sufficient evidence for bassmala to be a Quranic verse in the beginning of every sura except Bara?a, that all the companions, their successors and the successors? successors of every generation of the umma had agreed unanimously, since the Quran had been written down until nowadays, upon writing down bassmala .at the beginning of every sura except Bara?a

They wrote it down as they wrote every other Quranic verse without any difference between them whereas they had agreed unanimously upon not writing anything that was not of the holy Quran unless they would put a distinguishing mark in order not to be mixed up with the Quranic words. Didn?t you see how they distinguished the names of the suras, the symbols of the sections, the parts?etc. and put them out of the text of the Quran in order to be known that they were not of the Quran so that the Quran would be protected as it had been revealed? You knew well that the umma had never agreed unanimously upon any matter as it had agreed upon this matter and this was enough evidence proving that bassmala was independent Quranic verse coming at the beginning of every sura written by the

.ancestors and the successors

It was mentioned that the Prophet (s) had said: ?Every important task that doesn?t begin with (in the name of Allah, the Beneficent, the Merciful) will be amputated.?[۵۹] and: ?Every important task that doesn?t begin with (in the name of Allah, the Beneficent, the Merciful) will be amputated or mutilated.?[۶۰]

It is certain that the holy Quran is the best of what Allah, the Almighty has revealed to His apostles and prophets and that every sura in it is important and great that Allah has challenged all the people, who failed to produce a sura like the Quranic suras. So would it be possible for the Quran to be amputated? Allah, His Quran and its suras be !exalted highly above any raving

The prayer is the success and the best of doings as it is announced from above the minbars and the minarets. It is known by everyone. Nothing is to be compared with it after believing in Allah, His prophets and the Day of Resurrection. Then is it possible for Allah to legislate the prayer so amputated and mutilated? Neither a pious nor a dissolute one dares to say so but the pious imams Malik, al-Awza?iy and Abu Haneefa (may Allah be pleased with them) were distracted from these necessities; and every mujtahid would be rewarded and not to be blamed whether being right or wrong .when trying his best to deduce his conclusion from the legal evidences

The excuse of our opponents

:They justified the matter with some excuses

First: if bassmala was a verse of al-Fatiha and

was a part of every sura of the Quran, then repeating (the Beneficent, the Merciful) [۶۱] would be necessary to be repeated one hundred and thirteen times throughout .the Quran

The answer: the situation might require repeating if it was to pay much attention to some great affairs in order to be taken in consideration with much carefulness. The holy Quran had many examples of this thing; for example in sura of ar-Rahman (۵۵), al-Mursalat (۷۷) and al-Kafiroon (۱۰۹). Was there anything of the affairs of this life and the afterlife deserving utmost attention and greatest carefulness like the name of Allah, the Beneficent, the Merciful? Were the prophets delegated, the angels sent down and the Books revealed without in the name of Allah, the beneficent, the merciful or His guidance? Were the heavens and the earths constructed but with in [the name of Allah, the beneficent, the merciful?[۶۲

O men! call to mind the favor of Allah on you; is there any creator besides Allah who) gives you sustenance from the heaven and the earth? There is no god but He; .whence are you then turned away) ۳۵:۳

Second: the tradition narrated by Abu Hurayra that the Prophet (s) had said: ?Allah the Almighty says: I have divided the prayer between Me and My servant into two halves. If the servant says: All praise is due to Allah, the Lord of the Worlds. Allah says: My servant praises Me. If he says: The Beneficent, the Merciful. Allah says: My servant thanks Me. If he says: Master of the

Day of Judgment. Allah says: My servant glorifies Me. If he says: Thee do we serve and Thee do we beseech for help. Allah says: this is between Me and My servant?etc.?

Their evidence in this tradition was that he didn?t mention (in the name of Allah, the Beneficent, the Merciful) with the verses of al-Fatiha. They said that if it was a verse of al-Fatiha, he would mention it.

The answer: this tradition was contradicted by a tradition narrated by ibn Abbas when saying: ?Allah says: I have divided the prayer between Me and My servant. If the servant says: in the name of Allah, the Beneficent, the Merciful. Allah says: My servant calls me?etc.?[۶۳] The tradition was too long but our evidence was that it included bassmala and so it contradicted Abu Hurayra?s tradition. In fact Abu Hurayra himself narrated a tradition that the Prophet (s) used to recite bassmala loudly in the prayer and that he himself used to recite it loudly in his prayer. He said: ?I am the most of you in imitating the Prophet?s prayer.? This tradition was mentioned previously.

Third: the tradition narrated by Aa?isha that the Prophet (s) began his prayer with takbeer[۶۴] and reciting (al hamdu lillahi rabbil aalameen).[۶۵]

The answer: this couldn?t be an evidence for them because Aa?isha made (al hamdu lillahi rabbil aalameen) as a name for this sura exactly as when one said: ?I recited (qul huwal-lahu ahad)?[۶۶]to mean that he recited sura of al-Ikhlass or when saying that someone recited (inna fatahna laka fathan mubeena)[۶۷]

to mean that someone recited sura of al-Fat~h and so on. So the meaning of the tradition was that the Prophet (s) began his prayer with takbeer and reciting this sura, [whose beginning was in the name of Allah, the Beneficent, the Merciful.[۶۸

Fourth: the tradition narrated by ibn Mughaffal when saying: ?My father heard me reciting in the name of Allah, the Beneficent, the Merciful. He said to me: ?O my son! Beware of changing the Sunna! I offered prayers with the Prophet (s), Abu Bakr, Omar [and Othman. I didn?t hear any of them reciting it (bassmala).?[۶۹

The answer: the scholars of jarh and ta?deel[۷۰] didn?t know who ibn Mugaffal was. They didn?t mention any of his traditions. Ibn Rushd mentioned him when talking about bassmala in his book Bidayatul Mujtahid[۷۱] and brushed him away when .quoting the saying of Abu Omar bin Abdul Birr that ibn Mughaffal was unknown man

Fifth: Shu?ba narrated from Qatada that Anass bin Malik had said: ?I offered prayers with the Prophet (s), Abu Bakr, Omar and Othman. I didn?t hear any of them reciting in the name of Allah, the Beneficent, the Merciful.?[۷۲] Another one narrated by Hameed at-Taweel that Anass said: ?I offered prayers behind Abu Bakr, Omar and Othman. All [of them didn?t recite in the name of Allah, the Beneficent, the Merciful.?[۷۳

The answer: you found in our evidence mentioned previously true traditions narrated .by Anass contradicting these two traditions. You might refer to them

Imam ar-Razi mentioned this tradition of Anass in his Tafseer and said: ?The

;answer to this tradition is in many ways

First: Sheikh Abu Hamid al-Isfarayeeni said: ?Six traditions were narrated from Anass in this concern. The Hanafites narrated from him three traditions. One of them was his saying: I offered prayers behind the Prophet (s), Abu Bakr, Omar and Othman. They .(began the prayer with (All praise is due to Allah, the Lord of the Worlds

The other was his saying: ?they didn?t mention in the name of Allah, the Beneficent, .the Merciful

The third saying: ?I didn?t hear any of them reciting in the name of Allah, the .Beneficent, the Merciful

These three traditions agreed with the thought of the Hanafites and there were three ;other traditions contradicting this thought

one of them was his tradition about Mo?awiya, who didn?t recite bassmala in the prayer and then the Muhajireen and the Ansar objected to him and this showed that reciting bassmala loudly in the prayer was a certain matter, which was agreed upon .unanimously among them

The other one: Abu Qulaba narrated from Anass that the Prophet (s), Abu Bakr and [Omar used to recite bassmala loudly in the prayers.[۷۴

The third one: that Anass was asked about reciting bassmala loudly or softly and he answered: ?I don?t know about this matter.? Ar-Razi said: ?It was clear that Anass? traditions about this matter became so confused and contradictory and hence we had to depend upon other evidences?and also there was another suspicion in his traditions that Ali (s) exaggerated in reciting bassmala loudly but when the Umayyads seized the rule, they exaggerated in

forbidding from reciting bassmala loudly in order to remove everything referring to Ali (s).[۷۵] Anass might be afraid of the Umayyads; therefore his sayings became .confused

Whatever we doubted about something, we would never doubt about that if there was a contradiction between the sayings of persons like Anass and ibn al-Mughaffal and the sayings of Ali bin Abu Talib (s), who kept on that until the end of his life, certainly depending upon the sayings of Ali would be better. This was a final answer? and whoever took Ali as the imam of his religion, would certainly lay hold on the [firmest handle of religion and life?etc.?[۷۶

All praise is due to Allah Who guided us to this, and we would not have found the way .had it not been that Allah had guided us

RECITING QURAN IN THE PRAYER

part ۱

The jurisprudents disagreed upon reciting Quranic suras in the prayer. Abu Bakr al-Assamm, Isma?eel bin Olya, Sufyan bin Oyayna and al-Hasan bin Salih thought that .reciting Quran in the prayer was not wajib but it was mustahab

This was irregularity in thinking, contradicting the evidences and violating the .consensus of the umma

They depended upon a tradition narrated by Abu Salama and Muhammad bin Ali that once Omar bin al-Khattab had offered the maghrib prayer and he didn?t recite the suras in it. He was asked about that. He said: ?How about the ruku? and sujood??[۷۷] ?!They said: ?Alright.? He said: ?Never mind then

This was Omar?s own thought and he didn?t ascribe it to the Prophet (s). He might think that leaving reciting the

.suras inattentively wouldn?t invalidate the prayer. Allah is the most aware

Al-Hasan al-Basri and others thought that reciting suras was obligatory (wajib) in one rak?a.[۷۸] This was like the previous thought in its irregularity and violating the .consensus

They justified their thought by interpreting the Prophet?s saying: ?No prayer (will be correct) except with (reciting) al-Fatiha.? They thought that if al-Fatiha was recited in .the prayer even one time, the prayer would be correct

The answer: this tradition didn?t regard the prayer when it was offered with al-Fatiha and didn?t decide whether it was valid or not but it regarded it when it was without al-Fatiha and decided that it was not a prayer like the Prophet?s saying: ?No prayer (is accepted) without wudu? (or tayammum).? The tradition ?No prayer (will be correct) except with (reciting) al-Fatiha? showed the obligation of reciting al-Fatiha in the prayer. Al-Fatiha was a necessary part of the prayer whereas wudu? was a condition .determining the validity of the prayer

Imam Abu Haneefa and his companions though that reciting al-Fatiha was not wajib in the prayer. They thought that reciting anything of the Quran would be enough. Abu Haneefa was satisfied with reciting one verse of the Quran even if it was one word like (?Mudhammatan ۵۵:۶۴?: both inclining to blackness) but his companions Abu Yousuf and Muhammad bin al-Hasan ash-Shaybani were satisfied with three short verses like (Then he looked. Then he frowned and scowled. Then he turned back and was big with pride. ۷۴:۲۱-۲۳) or with one verse that was as equal

[as three short verses or a little more. The Hanafites kept to this in their prayers.[۷۹

Abu Haneefa permitted translating the Quran that was to be recited in the prayer into any foreign language for those, who couldn?t speak Arabic well,[۸۰] but his two companions permitted translating just for those, who were unable to speak Arabic, .not for those, who could speak bad Arabic

Reciting the Quran in the prayer was wajib according to their doctrine in the two rak?as-prayers like Fajr prayer, Friday prayer and the traveler?s prayers (Qasr)[۸۱] but as for three or four-rak?as prayers, reciting the Quran was wajib in any two rak?as of the prayer. The prayer had the option to choose between the first two rak?as, the last two rak?as, the first and the third, the first and the fourth, the second and the third or the second and the fourth. If a prayer recited the Quran in the first two rak?as, he would be free in the last two rak?as whether to recite the Quran, recite tasbeeh[۸۲] or .to be silent as long as the time of one tasbeeh

They depended upon a tradition narrated by Abu Hurayra when saying: ?One day the Prophet (s) entered the mosque. A man came in, offered the prayer and then came to greet the Prophet (s). The Prophet (s) replied his greeting and said to him: ?Go back and offer your prayer because you didn?t offer it (correctly).? The man came back and offered his prayer as same as the first one. Then he came

to the Prophet (s) and greeted him. The Prophet (s) replied his greeting and said to him: ?Go back and offer your prayer because you didn?t offer it.? He did that for three times. The man said to the Prophet (s): ?I swear by Him, Who has sent you with rightness! I don?t know more than this. Please teach me!? The Prophet (s) said: ?When you stand up to offer the prayer, say Takbeer then recite what is easy of the Quran as possible as you can, then bow then stand erect then prostrate yourself then sit. Do ?.this throughout your prayer

They depended upon the Prophet?s saying (recite what is easy of the Quran as .possible as you can) as their evidence in this matter

Neither Abu Hurayra nor his traditions had any value near us. He was not trusted or reliable. We detailed all the facts about him in a book called (Abu Hurayra). Whoever .liked to know the shiny truth, let refer to it

This tradition might be not true because it was confused and not clear. We examined the tradition and didn?t find any clear explanation that might fit the prophets (s). The tradition lacked many necessary things that the umma had agreed upon unanimously. It didn?t mention anything about the intention of the prayer, sitting during the last tashahhud[۸۳], saying (blessing and peace be upon Muhammad and his progeny), tasleem[۸۴] and other things. It didn?t fit the Prophet (s) with his high morals to let that man offer invalid prayer for three times

.(and that might not be permissible for him (s

Abu Dawood mentioned this story narrated by Rifa?a bin Rafi? al-Ansari[۸۵] that the Prophet (s) had said to the man, who didn?t offer his prayer correctly: ?When you stand up towards the Qibla, say takbeer and then recite al-Fatiha and whatever you ?.like to recite

Ahmad bin Hanbal and ibn Habban mentioned this story narrated by Rifa?a that the Prophet (s) had said to the man, who didn?t offer his prayer correctly: ??then recite al-[Fatiha and then recite whatever you like.?[۸۶

It was certain that Abu Hurayra would never equal Rifa?a whether in his doings or sayings. When there was any contradiction, the traditions of Rifa?a would certainly be preferred to the traditions narrated by Abu Hurayra. Therefore we found that al-Qastlani when explaining the tradition of Abu Hurayra in his book Fat~hul Bari tried .his best to interpret the tradition to be in accordance with the tradition of Rifa?a

Whoever looked for the sayings of the ancestors and the successors when talking about Abu Hurayra?s tradition, would find them all, except the Hanafites, either refuting[۸۷] or interpreting[۸۸] the tradition to be in accordance with their thoughts. Refer to Sharh Sahih al-Bukhari and Sharh Sahih Muslim to see their sayings about [Abu Hurayra?s tradition in details.[۸۹

Abu Hurayra himself contradicted his tradition when he narrated other traditions saying: ?I heard the Prophet (s) saying: The prayer won?t be correct unless al-Fatiha is recited in it.?[۹۰] Abu Hurayra also said: ?The Prophet (s) ordered me to announce in Medina that no prayer

would be correct) without (reciting some of the) Quran, even if it was al-Fatiha and) something more.?[۹۱] He also said: ?I heard the Prophet (s) saying: Whoever offers a prayer without reciting al-Fatiha, his prayer is aborted, his prayer is aborted, his prayer is aborted, his prayer is aborted.?[۹۲]

part ۲

Then why did the Hanafites depend upon the outward meaning of the saying (recite what is easy of the Quran as possible as you can) mentioned in Abu Hurayra?s tradition and give up the clear and true prophetic traditions talking about the prayer? In fact they depended upon what contradicted the many true traditions and objected to all the other sects of the Muslims and what they gave up was confirmed by the true prophetic traditions and by all the other sects of the Muslims.

The Hanafites might depend upon the Quranic verse (therefore read what is easy of the Quran ۷۳:۲۰) as their evidence for this matter.

The answer: this verse had nothing to do with the subject of reciting Quranic suras in the prayer at all. The interpreters had explained this verse clearly. Let him, who wants to see its real meaning, refer the interpretations of the Quran.

The Hanafites justified the permissibility of reciting the translation of the Quran in the prayer according to some sayings;

First: Ibn Mass?ood recited to some foreigners: (Surely the tree of the Zaqqum is (ta?am al-atheem) the food of the sinful ۴۴:۴۳-۴). One of the foreigners recited (ta?am al-atheem) as (ta?am al-yateem; the orphan). Ibn Mas?ood said to him: ?Say: Ta?am

al-fajir).[۹۳] Then ibn Mass?ood said: ?It is no mistake to recite (al-hakeem; wise) instead of (al-aleem; aware). The mistake is to put a verse of mercy instead of a verse ?.of torment

The answer: this was too far from our subject and if the saying was true, it would just .show ibn Mass?ood?s own thought and it would never be taken as evidence

Second: the Quranic verses (And most surely the same is in the scriptures of the ancients ۲۶:۱۹۶) and (Most surely this is in the earlier scriptures; the scriptures of .(Ibrahim and Musa ۸۷:۱۸-۹

Their evidence out of these verses was that the umma agreed upon that the Quran had not been in its Arabic wordings whether in the scriptures of the ancients or the scriptures of Abraham and Moses but it was its meanings that had been mentioned in .those scriptures in Hebrew and Syriac

The answer: this was like the previous justification in not having anything to do with .the subject. In fact it was much farther than that one

Third: the Quranic verse (?and this Quran has been revealed to me that with it I may warn you. ۶:۱۹) and the foreigners didn?t understand Arabic unless the meaning would be translated to them into their language; therefore the warning was to be in their .language

The answer: this would be possible as evidence for the permissibility of translating the holy Quran into the foreigners? languages so that they could make use of its maxims, morals, orders and prohibitions. This was something and jargoning in the prayer

would be something else. Would any Arab or foreigner not understand that reciting al-Fatiha did mean to recite the sura as it had been revealed with its original wording written down in the holy Quran? Would any one of good tact not feel that the spirit of the Quran would be deprived of if it was recited in a foreign language whether ?eastern or western

I didn?t think that Imam Abu Haneefa would fail in his justifications to a degree that he might fall down to the bottom! It was because he relied upon analogy and approval in deducing the legal verdicts. Hence he found that it would be nice for the foreigners if the Quran was translated into their languages in order to be recited in their prayers. He found that it would be easier for them to understand the meanings and to be more submissive in their prayers. He compared the foreigner?s reciting the Quran in his language with his listening to the sermons and learning the lessons in his language. This was the theory of Atat?rk in offering the prayer. He didn?t take it from Abu Haneefa but it was just telepathy! What helped Atat?rk with this theory that he didn?t appreciate the legal evidences; in fact he didn?t know them and didn?t want to know them. He determined what he approved. If the Sharia had something leading to the permissibility of acting according to the approval, they would justify their thought but !how far

Ash-Shafi?iy, Malik, Ahmed and others thought that reciting al-Fatiha

in all wajib and mustahab prayers in Arabic was obligatory. Their evidence for that was Abu Hurayra?s tradition talking about the story of the nomad, who couldn?t offer his prayer correctly and then the Prophet (s) taught him how to offer the prayer, ordered him to recite some of the Quran in his prayer and then said to him: ?Do this in [all of your prayers.?[۹۴

You already knew our thought about this tradition when we said that we had brushed .it aside and that it had no value near us

The Shia believed, according to their infallible imams, that reciting al-Fatiha in correct Arabic was obligatory in the first two rak?as of every wajib and mustahab prayer[۹۵] for the single prayer (one, who offers a prayer alone) and for the imam (one who .(leads the others in offering the prayer

As for the ma?moom,[۹۶] he didn?t have to recite al-Fatiha because the imam[۹۷] would undertake that instead of him. As for the last two rak?as, it would be obligatory for the ma?moom either to recite the sura or to recite tassbeeh.[۹۸] The imam was not to undertake reciting the sura or tassbeeh instead of the ma?moom in the last two .rak?as

Our evidence (the Shia?s evidence) in all of that was the sayings of our infallible .imams, who were the equal of the Quran

Reciting al-Fatiha by the Prophet (s) in the first two rak?as of the prayer was confirmed by all the Sihah and Musnads (the books of Hadith) according to the tradition narrated by Abu Qatada al-Harth

.bin Rib?iy and others

What the Prophet (s) used to do in his prayer would be obligatory[٩٩] for the all because he had said: ?Offer the prayer as you saw me offering it.? As it was proved that the Prophet (s) had recited al-Fatiha in the last two rak?as, it was also proved that he had recited tassbeeh in them. The wording of tassbeeh was as the following (subhanal-lah wel hamdu lillah wela ilaha illallah wel-lahu akbar) according to the imams of the Prophet?s progeny (s). The tradition, narrated by Sa?d bin Abu Waqqass .and mentioned in al-Bukhari?s Sahih and other Sihah and Musnads, confirmed this

The people of Kufa complained to Omar against Sa?d until they said to him that Sa?d hadn?t offered the prayer correctly. Sa?d said: ?By Allah, I offered the prayer in a way like the prayer of the Prophet (s) without a bit of difference. I expatiated (on reciting al-Fatiha and the other sura) in the first two rak?as and I lightened in the last two rak?as (hastening in them by only reciting tassbeeh or al-Fatiha alone without the second !sura).? Allah is the most aware

TAKBEERATUL IHRAM

The Shia agreed, according to their pure imams, unanimously upon that takbeeratul ihram[١٠٠] was a necessary pillar of every wajib and mustahab prayer. Without takbeeratul ihram the prayer would be invalid. The only form of takbeeratul ihram was (Allahu akbar). If the prayer began his prayer with anything else than Allahu akbar even if it had the same meaning, his prayer would be invalid. Also saying

it in any language other than Arabic would invalidate the prayer. It was enough for us that takbeeratul ihram was obligatory that the Prophet (s) had never begun any of his prayers except with it. You already knew that the Prophet (s) had said: ?Offer the ?.prayer as you saw me offering it

The obligation of takbeeratul ihram was confirmed by the Quran, the Sunna and the consensus of the umma. Allah said: (And your Lord do magnify ٧۴:٣).[١٠١] The consensus of the umma agreed upon that the verse referred to takbeeratul ihram and the orders of Allah were to be obeyed obligatorily. According to the consensus of the umma too that other than saying (Allahu akbar) at the beginning of the prayer was not obligatory. The Prophet (s) said: ?The key of the prayer is the tahoor,[١٠٢] its tahreem[١٠٣] is saying Allahu akbar and its tahleel[١٠۴] is by saying tasleem.?[١٠۵] This .tradition was mentioned by Abu Dawood in his Sunan

The Hanafites said that tahreem was not a pillar of the prayer but it was related to standing up towards the qibla. They said that it was not necessary to say takbeeratul ihram in Arabic and they permitted translating it into any language the prayer liked whether he was able or unable to speak Arabic. They said that takbeeratul ihram would be valid if the prayer said instead of (Allahu akbar) (subhanallah) or (la ilaha illallah) or any of the attributes of Allah the Almighty on condition that it was not to be said more than

the attribute of Allah. The prayer could say (Allah), (ar-Rahman; the Beneficent) or any one of the other attributes of Allah to begin his prayer. This was their belief and !their evidence for that was only approval

TRAVELER?S TAQSEER AND FAST BREAKING

[Legislating taqseer[۱۰۶

The four rak?a-prayers are shortened into two rak?as in travel whether it is in the case of fright or safety. All the umma agree upon this unanimously. Allah says: (And when you journey in the earth, there is no blame on you if you shorten the prayer, if .(you fear that those who disbelieve will cause you distress ۴:۱۰۱

Ya?la bin Umayya said: ?I asked Omar bin al-Khattab: is (there is no blame on you if you shorten the prayer, if you fear that those who disbelieve will cause you distress) while the people are safe now? He said: ?I wondered at what you have wondered at and asked the Prophet (s) about that. He said: It is a charity that Allah has granted to .you. You are to accept His charity.? It was mentioned in Muslim?s Sahih

Ibn Omar said: ?I accompanied the Prophet (s) in travel. He didn?t offer more than two rak?as until he went to the better world. I accompanied Abu Bakr (in travel). He didn?t offer more than two rak?as until he died. I accompanied Omar. He didn?t offer more than two rak?as until he died. Then I accompanied Othman. He didn?t offer more than two rak?as until he died. Allah had said: (Certainly you have in the .Messenger of Allah an excellent exemplar)?[۱۰۷] ۳۳:۲۱

Anass

bin Malik said: ?We traveled with the Prophet (s) from Medina to Mecca. He offered the prayers in two rak?as until we came back to Medina.?[١٠٨]

Ibn Abbas said: ?The Prophet (s) stayed in Mecca for nineteen days. He offered qasr prayers.?[١٠٩]

The Prophet (s) offered qasr prayers although he stayed for nineteen days because he hadn?t had the intent of residence.[١١٠]

The historians confirmed that the Prophet (s) had led the people of Mecca in offering the four-rak?a prayers after the hijra. He made tasleem (to end the prayer) after two rak?as but before that he had told the people to complete their prayer until the fourth rak?a and apologized to them that he and his companions, who had come with him from Medina, were travelers.

Ibn Abu Shayba narrated that the Prophet (s) had said: ?The best of my umma are those, who witness that there is no god but Allah and Muhammad is the messenger of Allah, become happy when doing benevolence, ask for forgiveness when doing badly and shorten the prayer when traveling.?

Anass bin Malik said: ?I offered the Dhuhr prayer with the Prophet (s) in Medina in four rak?as and offered the Assr prayer in Thil Hulayfa in two rak?as as a traveler.?[١١١]

There were many other true traditions confirming that Allah the Almighty had legislated shortening the prayer in travel.

Legislating fast breaking

There was no doubt that Allah had legislated fast breaking in Ramadan for whoever traveled to a distance that made him/her shorten his/her prayer. The umma agreed upon this unanimously and the Quran and

.the Sunna confirmed it clearly

Allah said: (The month of Ramadan is that in which the Quran was revealed, a guidance to men and clear proofs of the guidance and the distinction; therefore whoever of you is present in the month, he shall fast therein, and whoever is sick or upon a journey, then (he shall fast) a (like) number of other days; Allah desires ease for you, and He does not desire for you difficulty, and (He desires) that you should .complete the number?) ٢:١٨٥

When the Prophet (s) traveled during Ramadan, he broke his fasting and declared to the people that he had broken his fasting. He considered fasting in travel as disobedience. He said: ?It is not of piety to fast in travel.? We shall quote all the .tradition later on

Abu Qulaba narrated-as it was mentioned in the Sihah-that the Prophet (s) had said to a man of bani[١١٢] Aamir: ?Allah has freed the traveler from fasting and halved the ?.prayer for him

He, who investigated the Sunna and the sayings of the imams about taqseer and fast breaking in travel, would find that the fatwas and the consensus of the umma had confirmed that Allah had legislated fast breaking in Islam. If travel required one of them; taqseer or fast breaking, to be done, it would be the very reason for the other .to be done undoubtedly

The conditions of taqseer

The Muslim scholars disagreed upon the conditions of taqseer. Some of them thought that taqseer was obligatory for the traveler. This was the belief of the Shia

according to their imams. So was the belief of Abu Haneefa, his companions and all [the people of Kufa.[۱۱۳

Some scholars thought that both qasr and tamam (complete) prayers were optional for the traveler like the optionality of kaffara.[۱۱۴] This was the belief of some .companions of ash-Shafi?iy

Some thought that qasr prayer was a certain rubric of the Prophet (s). This was the .belief of Malik according to the most famous saying narrated from him

Some thought that taqseer was a concession (granted by Allah) and offering tamam prayer would be better. Ash-Shafi?iy thought so according to his most famous .sayings. So it seemed to his companions

The Hanbalites said that qasr was permissible and was better than tamam but tamam [prayer was not makrooh.[۱۱۵

Our evidence

The Shia believed that qasr was wajib depending upon true prophetic traditions mentioned in the Sunni books of Hadith and upon the certain traditions of the infallible .(imams of Ahlul Bayt (s

From among the traditions mentioned in the Sihah of the public (the Sunni sects) was this tradition mentioned by Muslim in his Sahih that ibn Abbas had said: ?Allah obligated via your prophet?s tongue that the prayer was to be four rak?as in residence and two rak?as in travel.? This showed clearly that the traveler was ordered to offer Dhuhr, Assr and Isha? prayers in two rak?as and that the resident was ordered to offer them in four rak?as; therefore the prayer of the traveler wouldn?t be valid unless it was two rak?as and the prayer of the resident wouldn?t be valid

unless it was four rak?as because worship wouldn?t be valid unless it was performed .according to the divine orders

Muslim mentioned another tradition in his Sahih that Musa bin Salama al-Huthali said: ?I asked ibn Abbas how to offer my prayer in Mecca (he was a traveler in Mecca). He ?.(said: Two rak?as; it is the Sunna of Abul-Qassim[١١۶] (s

He certified that the prayer of the traveler was to be two rak?as according to he .Prophet?s Sunna

Muslim mentioned another tradition in his Sahih that az-Zuhri narrated from Orwa that Aa?isha had said: ?The prayer had been legislated firstly as two rak?as and then the prayer in travel was fixed and the prayer in residence was completed (became tamam).? Az-Zuhri said: ?I said to Orwa: Then why does Aa?isha offer tamam prayer ?.in travel? He said: She interpreted[١١٧] as Othman did

Muslim mentioned Aa?isha?s tradition from another way that she said: ?Allah had legislated the prayer as two rak?as and then He made it tamam in residence and it ?.was fixed in travel as it had been legislated firstly

If this tradition was true so it would be naturally that the prayer of the traveler when it was offered in four rak?as wouldn?t be valid if there was no divine order about that. From the first, Allah had legislated the prayer to be two rak?as and then He fixed it for the traveler, so if the traveler offered it in four rak?as, he would be heretic exactly as if he had offered the Fajr prayer in four rak?as or

.offered the four-rak?a prayer in residence in two rak?as

From among the sayings of the infallible imams was this tradition narrated by Zurara bin A?yun and Muhammad bin Muslim. They asked Imam Baqir (s): ?What do you say about the prayer in travel? How and how many (rak?as) is it?? He said: ?Allah says: (And when you journey in the earth, there is no blame on you if you shorten the prayer?۴:۱۰۱) so taqseer is wajib in travel as tamam is wajib in residence.? They said: ? We said to him: Allah says: (there is no blame on you if you shorten the prayer) and doesn?t say: (Shorten the prayer!) So how does it become wajib like tamam prayer?? He said: ?Doesn?t Allah say: (Surely the Safa and the Marwa are among the signs appointed by Allah; so whoever makes a pilgrimage to the House or pays a visit (to it), there is no blame on him if he goes round them both?۲:۱۵۸) Don?t you see that tawaf[۱۱۸] is obligatory because Allah has mentioned it in His book and the Prophet (s) has done it? So is about taqseer in travel. Allah has mentioned it in His book and the Prophet (s) has done it.? They said: ?Then did he, who offered four rak?as in travel, have to offer his prayer again (in two rak?as)?? He said: ?If the Quranic verse of taqseer had been recited and interpreted to him and he offered four rak?as, then he had to offer his prayer again but if the verse

hadn?t been recited to him and he hadn?t known about it, then he didn?t have to offer his prayer again.? Imam Baqir (s) added: ?All the prayers in travel are to be two rak?as except Maghrib prayer, which is three rak?as and has no taqseer, because the Prophet (s) has left it three rak?as whether in travel or residence.?

Imam at-Tabarsi said in Majma?ul Bayan after mentioning this tradition: ?In this tradition there is a certain evidence showing that the prayer of the traveler is not like the prayer of the resident. The entire sect (the Shia) agreed upon this and agreed upon that the prayer of the traveler was not qasr. It was mentioned that the Prophet (s) had said: ?The prayer of the traveler is two rak?as but not qasr.?

The author of al-Kashshaf said when talking about the verse of taqseer: ?Abu Haneefa considered taqseer in travel as obligatory and not concession and doing other than it was not permissible. Omar bin al-Khattab said: The prayer in travel is two rak?as. It is tamam and not qasr according to the Prophet (s).?[١١٩]

The excuse of ash-Shafi?iy and those who consider taqseer as not wajib

They justified their belief in some ways:

First: the apparent meaning of the Quranic verse (there is no blame on you if you shorten the prayer) showed permissibility and not obligation.

The answer: the previous saying of Imam Baqir (s) was sufficient to refute this excuse. Imam az-Zamakhshari said in his Kashshaf: ?As if people at those days got used to tamam prayers so in order not to think that there would be a

defect in their prayers if they offered them in shortened form, the verse denied that they might be blamed so that they were to feel assured and satisfied when offering ?.qasr prayers

.Second: Othman and Aa?isha used to offer tamam prayers in travel

The answer: Othman and Aa?isha interpreted the evidences of taqseer and they .mistook

Some Sunni scholars justified that by saying: ?Othman was ameerul mo?mineen (the commander of the believers) and Aa?isha was the mother of the believers so they both were in continuous residence because wherever they traveled they would be ?.among their family and in their home and country

What a funny justification it was! Did they consider the Prophet (s) as a stranger to the world of the believers? No one had narrated that the Prophet (s) offered tamam prayers in his travels. Neither did Abu Bakr, Omar or Ali. So all of them were strangers !according to this justification. Might Allah be with them

Third: famous traditions mentioned by Muslim in his Sahih showing that the companions often traveled with the Prophet (s). Some of them offered qasr prayers and some offered tamam prayers. Some of them remained fasting and some broke .their fasting. They didn?t criticize each other

The answer: nothing of these traditions was proved by the Shia besides that they objected to the certain traditions narrated from our infallible imams, who were equal to the Quran. In fact these traditions contradicted themselves. You will see the details .soon inshallah

No doubt that the traditions of the infallible imams of the Prophet?s progeny would

be preferred to the others? traditions when there was any objection between them .especially when they were confirmed by some traditions narrated by the Sunni

The conditions of fast breaking

The Muslim jurisprudents disagreed upon the conditions of fast breaking in travel. The Sunni jurisprudents thought that fast breaking in travel was a concession and if the traveler kept on his fasting, his fasting would be valid. They depended upon some ;traditions mentioned by Muslim in his Sahih

Abu Sa?eed al-Khidri said: ?We went to fight with the Prophet (s) in one of the battles on the sixteenth of Ramadan. Some of us kept on fasting and some broke fasting. Neither the faster criticized that, who broke his fasting, nor that who broke fasting ?.criticized the faster

From another way that Abu Sa?eed said: ?We traveled with the Prophet (s) in Ramadan. Neither the faster criticized that, who broke fasting, nor that, who broke ?.fasting, criticized the faster

The answer: these traditions, if we supposed that they were true, were annulled by traditions narrated by the Sunni and other traditions narrated by the Shia from the .(infallible imams (s

;Here are some of the traditions narrated by the Sunni

Muslim mentioned in his Sahih that Jabir bin Abdullah had said: ?The Prophet (s) went to Mecca in Ramadan of (Aamul Fat~h; the year of conquest). He fasted until he reached Kira?ul Ghameem and the people fasted with him. Then he asked for a cup of water. He lifted the cup until the people saw it and then he drank of the water. Then it was

said to him: ?Some people are still fasting.? He said: ?They are disobedient. They are ?.disobedient

Muslim mentioned another tradition narrated by Jabir saying: ?Once the Prophet (s) was in travel when he saw a man surrounded by some people and it was shadowed over him. The Prophet (s) asked: ?What?s the matter of him?? They said: ?He is ?.fasting.? The Prophet (s) said: ?It is not righteousness to fast in travel

These traditions annulled those ones because these traditions came after those ones according to the witness of the Sunni. What confirmed this was a tradition mentioned by Muslim in his Sahih and by others that Obaydillah bin Abdullah bin Otba said that ibn Abbas had told him that the Prophet (s) traveled (to Mecca) in the year of conquest. He fasted until he reached al-Qadeed and then he broke his fasting. Then ?.he said: ?The Prophet?s companions followed the most recent of his affairs

Muslim mentioned in his Sahih that az-Zuhri had said: ?Fast breaking was the most recent act of the two acts and certainly the most recent and the most recent of the ?.Prophet?s acts would be followed

Muslim mentioned in his Sahih that ibn Shihab had said: ?The Muslims followed the ?.most recent of the Prophet?s acts and believed that they annulled the previous ones

If it was supposed that the fasting of some of the Prophet?s companions in travel was valid, certainly that would be before their submission to fast breaking and before his saying ?it is not righteousness to fast in travel? and

?!his saying about the fasting ones ?they are disobedient! They are disobedient

As for the Shia, they agreed upon that fast breaking in travel was obligatory. This was the belief of Dawood bin Ali al-Isfahani and his companions. So was the belief of a number of the Prophet?s companions like Omar bin al-Khattab, his son Abdullah, Abdullah bin Abbas, Abdur Rahman bin Ouff, Abu Hurayra, Orwa bin az-Zubayr and .(the infallible imams of the Prophet?s progeny (s

It was mentioned that Omar bin al-Khattab had ordered a man, who had fasted in travel, to fast again (in residence because fasting in travel wouldn?t be valid). So were .the belief of the Shia and the belief of Dawood

Yousuf bin al-Hakam said: ?I asked ibn Omar about fasting in travel. He said: If you give a man an alms and he returns it to you, won?t you become angry? It is an alms ?!from Allah to you. Don?t return it

Abdur Rahman bin Ouff said: ?The Prophet (s) said: He, who fasts in travel, is like him, ?.who breaks his fasting in residence

Ibn Abbas said: ?Fast breaking in travel is obligatory.? Imam Sadiq (s) said: ?He, who fasts during Ramadan in travel, is like that, who breaks fasting during Ramadan in ?.residence

Imam Sadiq (s) also said: ?If a man dies during fasting in travel, I won?t pray for him.? He also said: ?Whoever travels has to break his fasting and to shorten his prayer ?.except when his travel is for disobeying Allah

Al-Ayyashi narrated from Muhammad bin Muslim that Imam Sadiq

s) had said: ?This Quranic verse (?but whoever among you is sick or on a journey?) ۲:۱۸۴) was revealed in Kira?ul Ghameem at the time of the midday prayer. The Prophet (s) asked for a vessel of water. He drank of it and ordered the people to break their fasting. Some people said: ?The day is about to elapse. Would we complete our day on fasting!? The Prophet (s) called them the disobedient. They were still called the ?.disobedient until the Prophet (s) went to the better world

The saying of Allah suffices us as evidence confirming the obligation of breaking fast during travel. Allah says: (?therefore whoever of you is present in the month, he shall fast therein, and whoever is sick or upon a journey, then (he shall fast) a (like) number of other days; Allah desires ease for you, and He does not desire for you difficulty? ;۲:۱۸۵). The verse confirms the obligation of breaking fast in some ways

First: the order of fasting mentioned in the verse is addressed to the resident and not to the traveler. The verse says: (therefore whoever of you is present in the month, he shall fast therein) so the traveler is not ordered to fast. If he fasts, his fasting will be .not of the religion and will be a heresy

Second: what is understood from Allah?s saying (therefore whoever of you is present in the month, he shall fast therein) is that whoever is not present (in his residence) doesn?t have to fast. So the verse shows clearly that

.fasting in travel is not obligatory at all

Third: the saying of Allah (and whoever is sick or upon a journey, then (he shall fast) a (like) number of other days) shows that he, who is sick or upon a journey, has to fast other days as equal as the days of his sickness or travel. This requires to break fasting during travel because no one says that the traveler has to gather between fasting during travel and later on to fast in lieu of the days he spends in travel. This contradicts the ease that Allah desires for His people according to the verse (Allah .(desires ease for you, and He does not desire for you difficulty

Fourth: Allah?s saying (Allah desires ease for you, and He does not desire for you difficulty). Ease here refers to fast breaking and difficulty refers to fasting during travel. Hence the meaning of the verse is that Allah wants from you to break fasting .((in travel) and He doesn?t want from you to fast (in travel

The distance that determines taqseer and fast breaking

The Muslim scholars disagreed upon the distance that made it obligatory for a .traveler to shorten the prayer and to break the fasting

Abu Haneefa, his companions and the people of Kufa said that the least distance for [the traveler to shorten his prayer and to break his fasting was a three-day travel.[١٢٠

Ash-Shafi?iy, Malik, Ahmad and many others said: ?The prayer is shortened and fasting is broken in Ramadan after passing a distance of sixteen farsakhs[١٢١] going only (not the total distance of going

?.and coming back

The Zahirites[١٢٢] said: ?Taqseer and fast breaking is in every travel even in near ?.travels

Ibn Rushd said in his book al-Bidaya wen Nihaya when talking about the prayer in travel: ?The reason behind their disagreement is because the reasonable meaning of taqseer and fast breaking in travel objects to the reported sayings in this concern. The effect of travel on taqseer and fast breaking is because of the hardship travel .causes to the traveler

If it is so, then taqseer and fast breaking will be wherever hardship is. According to Abu Haneefa hardship doesn?t happen except after passing three stages (three-day travel) and according to ash-Shafi?iy, Malik and Ahmad it happens after passing sixteen farsakhs. As for those, who didn?t care but to the wording like the Zahirites, they said: ?The Prophet (s) said that Allah had made the traveler free from fasting and halved the prayer for him. Hence whoever is called a traveler may shorten the prayer and break fasting.? They evidenced their thought by a tradition mentioned by Muslim that Omar bin al-Khattab had said that the Prophet (s) used to shorten the prayer ?.after about seventeen miles

Hence the imams of the four Sunni sects didn?t depend, when specifying the distance, upon an evidence out of the Prophet?s sayings or doings but they depended upon a philosophy called ?the reasonable meaning?. This would satisfy neither the infallible .imams of the Prophet?s progeny nor the Shia in deducing the legal laws

,(When the people of Mecca, during the age of the Prophet (s

Abu Bakr and Omar, went out of Mecca towards Arafat, they offered qasr prayer in .Arafat, al-Muzdalifa and Mina.[١٢٣] This was confirmed by the all with no doubt

Al-Bukhari and Muslim mentioned in their Sahihs that the Prophet (s) offered qasr prayer when he went out of Mecca to Arafat. So did Abu Bakr and Omar after the Prophet (s). Othman offered qasr prayer and then offered tamam prayer after six [years of his caliphate and the people denied that of him.[١٢۴

Imam Malik said that offering qasr prayer by the pilgrims in these places was a certain Sunna whether for the people of Mecca or the people of the distant countries. .[١٢۵] You might refer to the jurisprudence of the Malikites

The Shia says that the traveler has to offer qasr prayer after passing eight farsakhs[١٢۶] whether going or four farsakhs going and four farsakhs coming back like the distance between Mecca and Arafat. It was the least distance, in which the Prophet (s) had offered qasr prayer and this was the most certain evidence. Praise be .to Allah

TEMPORARY MARRIAGE

The way of this marriage .١

The way of this marriage is that a free[١٢٧] adult Muslim or kitabi[١٢٨] woman accepts to marry herself to a Muslim man on condition that there is no any legal objection to this marriage according to Islam such as kinship (one?s mother, grandmother or upward, sister, niece or niece?s daughter, daughter, granddaughter or downward and aunt; father?s sister or mother?s sister), suckling milk (if both the man and the woman, who want to get married, have suckled milk from

a same woman in their childhood), marriage (that the woman has another husband), iddah (a prescribed period, which a woman has to pass after her divorce or her husband?s death before her remarriage) or any other legal prohibitions such as if the woman has been engaged by one of the man?s sons or she was the man?s wife?s .sister or other reasons

Such a woman accepts to marry herself with a specified dower to a definite period according to a legal bond including all the conditions required to make the marriage valid. After agreement and consent, the woman says to the man: I marry myself to you with a dower of so and so and for a day, two days, a month, two months, a year or two years for example. She may mention a more specified period. The man says to her immediately: I accept. Agency is permitted in this bond for both of the man and the woman exactly as any other bond. When the bond is concluded, the woman becomes the man?s wife until the end of the period specified in the bond. As soon as the period ends, the wife separates from the husband without divorce. The husband has the right to separate from the wife before the end of the period specified in the bond as a matter of granting the remained period to the wife and not a matter of divorce. The wife has, if the husband sleeps with her in the bed,[۱۲۹] to undergo iddah after the end of

the temporary marriage. Her iddah is equal to a period of two menstruations if she still menstruates otherwise it will be forty-five days as the iddah of a bondmaid .according to special conditions concerning the subject

If the husband grants his wife the period of the temporary marriage or the period ends without sleeping with her, then she doesn?t have to undergo the iddah just like the divorced wife of the ordinary (continuous) marriage if her husband hasn?t slept [with her.[۱۳۰

The iddah of the pregnant wife of temporary marriage lasts until she gives birth to her child like the iddah of the divorced wife of the ordinary marriage. The iddah of the wife, whose husbands dies before the period of the temporary marriage ends, is like [the iddah of the wife, whose husband dies, in the continuous marriage.[۱۳۱

The child of the temporary marriage whether boy or girl is to be ascribed to the father as the other offspring of the continuous marriage. There is no difference between the child of the temporary marriage and that of the continuous marriage in the legal verdicts such as inheritance (Allah enjoins you concerning your children: The male shall have the equal of the portion of two females ۴:۱۱), the relationship with the sisters and brothers and their children, the uncles and aunts and their children (and those who are akin are nearer one to another in the ordinance of Allah ۸:۷۵) and all the .other legal laws

The very temporary marriage itself doesn?t determine the obligation of inheritance between the

spouses and the wife has no right of getting spending from her husband according to .special laws concerning the subject

This is the temporary marriage as it is and this is the point of the dispute between the .Shia and the Sunni

The consensus of the umma on the legality of the temporary marriage .٢

All the Muslims agreed upon that Allah had legislated temporary marriage in Islam. No one of the Muslim scholars of the different sects doubted about this. In fact this was one of the necessities, which had been confirmed by the Prophet (s), and so no one of the ulema of the Prophet?s umma would deny it. Whoever studied the jurisprudent of the different sects would find that they had agreed upon the legality of this marriage .but they pretended that it was annulled. You shall see that soon inshallah

The evidences of the Quran .٣

It was sufficient for us as best evidence for legislating the temporary marriage that Allah had said: (And those of whom ye seek content (by marrying them), give unto (them their portions as a duty. ۴:۲۴

The infallible imams of the Prophet?s progeny agreed upon that this verse had been .revealed about the temporary marriage

Obayy bin Ka?b, ibn Abbas, Sa?eed bin Jubayr and as-Sadiy used to recite this verse in this way: (And those of whom ye seek content (by marrying them) until a specified period?).[١٣٢] Imran bin Hussayn declared that this verse had been revealed about the temporary marriage and it had not been annulled but a man said according to his own thinking what he liked![١٣٣] Mujahid declared that this verse had been revealed about [the temporary marriage.[١٣۴

What confirmed this was that Allah had showed at the beginning of the sura the verdict of the continuous marriage by saying: (?then marry such women as seem good to you, two and three and four. ۴:٣) until

He said: (And give unto the women (whom ye marry) free gift of their marriage portions. ۴:۴). So if this verse (And those of whom ye seek content (by marrying them), give unto them their portions as a duty) concerned the continuous marriage too then there would be no use of repeating the same thing in the same sura but if it concerned .the temporary marriage then it would talk about a new subject

Those, who studied the Quran well, knew that the sura of an-Nissa? (۴) had declared all kinds of the Islamic marriages. The continuous marriage and the marriage of mulk al-yameen[۱۳۵] were declared by this saying: (?then marry such women as seem good to you, two and three and four; but if you fear that you will not do justice (between them), then (marry) only one or what your right hands possess) and the marriage of the bondmaids was declared by this verse: (And whoever among you has not within his power ampleness of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens. ۴:۲۵) until Allah said: (so marry them with the permission of their masters, and give them their dowries justly. ۴:۲۵) whereas the temporary marriage was declared by this verse (And those of whom ye seek content (by marrying them), give unto them their .(portions as a duty

Temporary marriage in the Sunna .۴

Many traditions were narrated by the infallible imams confirming the legality of the .temporary marriage

Al-Bukhari and Muslim mentioned many traditions

about the temporary marriage narrated by Salama bin al-Akwa?, Jabir bin Abdullah, Abdullah bin Mass?ood, ibn Abbas, Abu Tharr al-Ghifari, Imran bin Hussayn, al-Akwa? bin Abdullah al-Aslami and Sabra bin Ma?bad. Ahmad bin Hanbal mentioned all these traditions in his Musnad besides traditions narrated by Omar and his son Abdullah.

Muslim mentioned in his Sahih vol.١ chap. of marriage, a tradition narrated by Jabir bin Abdullah and Salama bin al-Akwa?. They said: ?The caller of the Prophet (s) came to us and said: The Prophet (s) permitted you to enjoy yourselves. He meant temporary marriage.? The traditions concerning this subject are much more than to be quoted in this short chapter.

٥. Those who said it was annulled and their excuses about that

The scholars and the people of the four Sunni sects said that temporary marriage had been annulled and prohibited justifying that according to traditions mentioned in al-Bukhari and Muslim?s Sahihs.

We examined those traditions and found that they had many contradictions that we couldn?t trust in them. Some traditions showed that the annulment was determined on the day of Khaybar (during the battle of Khaybar). Some of them showed that it was on the day of al-Fat~h (the conquest of Mecca). Some showed it was during the battle of Tabook. Some showed it was during Hijjatul Wada? (the last or farewell pilgrimage of the Prophet (s)). Some said it was during the in lieu-minor hajj and some said it was in the year (of the battle) of Awtas.

These traditions contradicted other true traditions mentioned by al-Bukhari and Muslim showing that there was no annulment. You will

.see these traditions soon inshallah

In fact annulling and prohibiting temporary marriage was determined by the second caliph Omar after an event committed by Amr bin Hurayth and before that the companions often practiced temporary marriage during the reign of Abu Bakr and .(Omar before this event as they did during the age of the Prophet (s

The true traditions narrated by Imran bin Hussayn, Abdullah bin Mass?ood, Abdullah bin Omar, Abdullah bin Abbas and Imam Ali showed that prohibiting temporary marriage had not been legislated by Allah or His messenger but it was determined by Omar. It was impossible that there was annulment legislated by Allah or His messenger but it was ignored by these great persons, who had high position in knowledge and faith, who had high position near the Prophet (s) and who kept to the Prophet (s) often and always. If there was annulment, some of those, who knew about it, would inform these persons of it but since no one objected to them when they ascribed this annulment to Omar hence we knew that the annulment was .(determined neither by Allah nor by His messenger (s

Omar himself didn?t pretend that the annulment was legislated by Allah or His messenger. He, when talking about prohibiting temporary marriage, clearly ascribed this prohibition to himself. If it was determined by Allah or by the Prophet (s), Omar .would ascribe it to Allah or to the Prophet (s) and this would be more effective

,I thought that those, who came late after the time of the companions

had fabricated the traditions talking about the annulment just to justify the situation of Omar when he interpreted the evidences according to his own thinking and then prohibited temporary marriage and threatened to punish whoever would practice it. Omar said: ?Two pleasures were practiced at the time of the Prophet (s) but I prohibit them and punish for them; pleasure of hajj and pleasure of women (temporary ?.(marriage

It was odd that some of the successors had pretended that temporary marriage had been annulled by this Quranic verse (And who guard their private parts except before their spouses or those whom their right hands possess. ۲۳:۵-۶) pretending that the wife of temporary marriage was not to be considered as a wife or a possession of right hand (bondmaid). As for that she was not to be considered as possession of right hand, it was right but as for their pretense that she was not to be considered as wife, they thought that because she had no right of getting spending, inheritance or a .(specified night (if the husband had more than one wife

The answer: the wife in the temporary marriage is a legal wife according to a legal bond of marriage. That she has no right of getting spending, inheritance or specified nights is because of special evidences concerning the laws of marriages as we have .explained previously

This verse was revealed in Mecca before the hijra according to the consensus of the umma; then how could it annul temporary marriage, which was legislated in Medina some

?years after the hijra

What was odder of those, who said that this verse (And who guard their private parts except before their spouses or those whom their right hands possess) had annulled temporary marriage, that when we said to them: this verse might be revealed to annul the marriage of the bondmaids, who were possessed by other than the husbands and who were not considered as wives or possession of right hand. Then they said: this verse was revealed in Mecca whereas marrying bondmaids was legislated in Medina by this verse of sura of an-Nissa? (And whoever among you has not within his power ampleness of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens. ۴:۲۵) and the verses revealed in Mecca would never annul the verses revealed in Medina because what was revealed in Mecca preceded what was revealed in Medina. They said so and forgot that temporary marriage had been legislated in Medina by the verse of sura of an-Nissa? too. We were afflicted of .ignorant people but surely we are Allah's and to Him we shall surely return

True traditions betraying the caliph .۶

Muslim mentioned in his Sahih[۱۳۶] a tradition that Abu Nadhra said: ?Ibn Abbas used to order to practice temporary marriage but ibn az-Zubayr used to prohibit it. This was mentioned to Jabir. He said: Before me the tradition occurred. We used to practice temporary marriage at the time of the Prophet (s) but when Omar became the caliph, he said: Allah

permitted His messenger to do whatever he liked.[۱۳۷] Henceforth complete the hajj and the minor hajj and stop temporary marriage! If anyone is brought to me accused ?.of practicing temporary marriage, I will stone him until he dies

Ahmad bin Hanbal mentioned in his Musnad[۱۳۸] that Abu Nadhra had said: ?I said to Jabir that ibn az-Zubayr forbade from practicing temporary marriage while ibn Abbas permitted it. He said to me: Before me the tradition occurred. We used to practice temporary marriage during the time of the Prophet (s) and Abu Bakr, but when Omar became the caliph, he did a speech to the people saying: The Quran is the Quran and the messenger of Allah is the messenger of Allah. Two pleasures were at the time of the Prophet (s); one was the pleasure of hajj and the other was the pleasure of [women (temporary marriage.?[۱۳۹

This showed clearly that it was Omar, who had prohibited these two pleasures when .he became the caliph

Muslim mentioned in his Sahih[۱۴۰] that Ata? had said: ?Once Jabir bin Abdullah came to perform the minor hajj. We came to him in his house. The people asked him about some things and then asked him about temporary marriage. He said: Yes, we used to [practice temporary marriage at the time of the Prophet (s), Abu Bakr and Omar.?[۱۴۱

Muslim mentioned in his Sahih that Abuz Zubayr had said: ?I heard Jabir bin Abdullah saying: We used to practice temporary marriage[۱۴۲] for a handful of dates or flour (as dower) at the days

of the Prophet (s) and Abu Bakr until Omar prohibited it after the case of Amr bin ?.Hurayth

In the same chapter of Muslim?s Sahih it was mentioned that Abu Nadhra had said: ?I was with Jabir when someone came to him and said: Ibn Abbas and ibn az-Zubayr disagreed about temporary marriage. Jabir said: We used to practice it at the time of ?.the Prophet (s) but later on Omar forbade us from doing it

Omar often said from above the Minbar: ?Two pleasures were practiced at the time of the Prophet (s) but I prohibit them and punish for them; the pleasure of hajj and the [pleasure of women (temporary marriage).?[۱۴۳

Al-Qawshaji, the imam of the Ash?arites, said at the end of his research about imamate in his book Sharh at-Tajreed: ?Omar said from above the minbar: Three things were practiced at the time of the Prophet (s) but I prohibit them and punish for [them; temporary marriage, pleasure of hajj and ?hayya ala khayril amal?.[۱۴۴

Some people justified his doing by saying that it was his ijtihad[۱۴۵] after interpreting the evidences. The news talking about this thing were too many to be mentioned in ?.this chapter

During the reign of Omar, Rabee?a bin Umayya bin Khalaf ath-Thaqafi practiced temporary marriage. Malik mentioned in his Muwatta? chap. temporary marriage, that Orwa bin az-Zubayr had said: ?Khwla bint Hakeem as-Salamiyya came to Omar and said to him: ?Rabee?a bin Umayya got married to a woman in temporary marriage and the woman became pregnant from him.? Omar came out drawing

his garment after him and said: ?It is the temporary marriage! If I had prohibited it since time ago, I would have stoned!? He meant that if he had prohibited temporary marriage since before, he would have stoned Rabee?a and the woman, with whom he had got married.[۱۴۶] This speech showed clearly that prohibiting temporary marriage .was his decision and not of any one else

The deniers of Omar?s decision .۷

Imam Ali (s) denied that as it was mentioned by ath-Tha?labi and at-Tabari when interpreting the Quranic verse of temporary marriage in their Tafseers. They mentioned that Imam Ali (s) had said: ?If Omar hadn?t prohibited temporary ?.marriage, no one would have committed adultery except a very few people

Ibn Abbas denied that by saying: ?Temporary marriage was a mercy that Allah had granted to the umma of Muhammad and unless he (Omar) prohibited it, no one would ?.need to commit adultery except a very few people

Ibn Abbas often declared openly that temporary marriage was permissible and he had many arguments with ibn az-Zubayr about it even when ibn az-Zubayr became [the emir.[۱۴۷

.Jabir denied that too as you already saw his saying previously

Abdullah (Omar?s son) denied his father?s decision as it was mentioned by Imam Ahmad bin Hanbal in his Musnad.[۱۴۸] Abdullah bin Omar said when he had been asked about temporary marriage: ?By Allah, we weren?t considered as adulterers at the time of the Prophet (s).? Then he said: ?I had heard the Prophet (s) saying: Before the Day of Resurrection there will be the antichrist and thirty or more

?.of liars

Once again he had been asked about temporary marriage and he said as it was mentioned by at-Tarmithi in his Sahih: ?It is permissible.? It was said to him: ?Your father has prohibited it.? He said: ?If my father prohibited it whereas the Prophet (s) used to practice it, would we then give up the Prophet?s Sunna and follow my father?s ??saying

Abdullah bin Mass?ood denied Omar?s decision as it was mentioned by Muslim and al-Bukhari in their Sahihs. Al-Bukhari mentioned in his Sahih[۱۴۹] that Abdullah bin Mass?ood had said: ?We fought with the Prophet (s) and we had nothing with us.[۱۵۰] We Said: Don?t we castrate ourselves? The Prophet (s) did forbid us from that and permitted us to practice temporary marriage then he recited to us: (O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you and do not exceed the limits; surely Allah does not love those who exceed the limits ۵:۸۷). The interpreters said that this verse had denied strictly prohibiting .temporary marriage

Imran bin Hussayn denied Omar?s decision. Ar-Razi said in his Tafseer that Imran had said: ?Allah had revealed a verse about temporary marriage and He hadn?t annulled it by any other verse. The Prophet (s) had ordered us to practice temporary marriage then a man decided according to his own thought what he liked.? Ar-Razi ?.said: ?He meant Omar

Al-Bukhari mentioned in his Sahih that Imran bin Hussayn had said: ?The verse of temporary marriage had been revealed and we began to

practice it at the time of the Prophet (s). No any other verse had been revealed to annul the first one and it was not prohibited by the Prophet (s) but when the Prophet (s) went to the better world, a man decided according to his own thinking what he ?.liked

Ahmad mentioned in his Musnad a tradition narrated by Abu Raja? that Imran bin Hussayn had said: ?The verse of temporary marriage had been revealed and we practiced it at the time of the Prophet (s). No other verse had been revealed to annul it ?.and the Prophet (s) hadn?t prohibited it until he went to the better world

Al-Ma?moon[۱۵۱] ordered during his caliphate to announce the permissibility of temporary marriage. Muhammad bin Mansoor and Abul Ayna? came to him and found him brushing his teeth and repeating angrily: ?Two pleasures were practiced at the time of the Prophet (s) and the time of Abu Bakr but I prohibit them!?[۱۵۲] Then he said: ?And who are you, o you scarab, to prohibit what the Prophet (s) and Abu Bakr used to practice!? Muhammad bin Mansoor wanted to talk with al-Ma?moon but Abul Ayna? made a sign to him and said to him: ?A man saying about Omar so and so, how .could we talk to him?? They didn?t talk to him

Yahya bin Aktham came in and became alone with al-Ma?moon. He warned him of sedition to be occurred and said to him that the people would think that he changed in Islam a great change and

this would excite the public and the upper class against him because there would be no difference for them between announcing temporary marriage and announcing adultery. He still warned him until he made him give up for fear of the loss of his rule .and life

From among those, who denied prohibiting temporary marriage and who permitted and practiced it, was Abdul Melik bin Abdul Aziz bin Jurayj Abu Khalid al-Mekki, who died in ۱۴۹ A.H. He was one of the famous scholars among the companions? successors. Ibn Khillikan mentioned his biography in his book Wafiyyatul A?yan and ibn Sa?d in his Tabaqat (Vol.۵ p.۳۶۱). The authors of Sihah depended upon his traditions. Ibn al-Qaysarani detailed his biography in his book al-Jam? Bayna Rijal as-Sahihayn p.۳۱۴. Ath-Thahabi talked about him in his Mizan and mentioned that he had got married to about ninety women in temporary marriage and that he thought that temporary marriage was permissible. Ath-Thahabi said about him that he was the .best jurisprudent among the people of Mecca at his time

The Shia?s thought about temporary marriage .۸

The Shia agreed unanimously, according to their twelve imams, upon the permissibility of temporary marriage. It sufficed the Shia as evidence that all the Muslims had agreed unanimously upon that Allah had legislated temporary marriage in His religion, the Prophet?s caller had announced among people of its permissibility and that it had never been proved that Allah or His messenger had annulled it until the revelation stopped when Allah had chosen for His messenger to be near Him in the .better world

According

to our (the Shia?s) traditions narrated by our infallible imams (s) it was definitely proved that temporary marriage had never been annulled. Refer to Wassa?il ash-Shia .ila Ahkam ash-Sharia

In the Sunni books there were many traditions showing clearly that temporary marriage was still permissible during the reign of Abu Bakr and during a part of Omar?s reign until he decided to prohibit it after the case of Amr bin Hurayth. What we .mentioned about this subject in this short chapter was enough to show the truth

Most surely there is a reminder in this for him who has a heart or he gives ear and is a .witness. ۵۰:۳۷

?WIPING THE FEET OR WASHING THEM IN WUDU

explaination

The Muslim scholars disagreed upon the kind of ablution of the feet from among the parts included in wudu?. The Sunni jurisprudents, including the four imams,[۱۵۳] determined that washing the feet in wudu? was obligatory. Dawood bin Ali and an-Nassir lil-Haqq, who were from among the imams of the Zaydites, said it was obligatory to perform both of washing and wiping the feet.[۱۵۴] Some of them might say that it was optional to choose between washing and wiping.[۱۵۵] The Shia, according to their pure imams, thought that wiping the feet was prescribed by the [holy Quran.[۱۵۶

The evidence of the Shia

The evidence of the Shia for this matter was the Quranic verse (O you who believe! when you rise up to prayer, wash your faces and your hands as far as the elbows and (wipe your heads and your feet to the (two) ankles. ۵:۶

Imam ar-Razi sufficed us in showing the point of the argument in this verse when he declared: ?The evidence of those, who thought that wiping the feet was obligatory, was based upon the two kinds of reciting the phrase (and your feet) mentioned in the verse of wudu?. Ibn Katheer, Hamza, Abu Amr an Aasim recited the phrase in genitive

and Nafi?, ibn Aamir and Aasim recited it in accusative. Reciting it in genitive determined that (your feet) was coupled to (your heads) and then as it was obligatory to wipe the head it would be obligatory to wipe the feet. As for reciting it in accusative, it also determined that it was obligatory to

wipe the feet because the saying (and wipe your heads) made (your heads) as object and (your feet) was coupled to (your heads) so both of them were objects of the verb ?((wipe

This was his very saying.[١٥٧] But he said: ?Many traditions were narrated about the obligation of washing the feet (in wudu?). Washing included wiping but wiping didn?t. So washing was nearer in taking precaution and hence it had to be performed in wudu? as wajib.[١٥٨] Therefore it had to be determined that washing the feet would ??replace wiping them

You will see the thought of the infallible imams of the Prophet?s progeny and their .followers about the traditions talking about washing the feet soon inshallah

As for his saying that washing included wiping, it was a clear fallacy because washing and wiping were two different acts literally, traditionally and legally.[١٥٩] It had to be determined then that washing wouldn?t replace wiping but ar-Razi stopped between two precautions; either to contradict the Quranic verse or to contradict the traditions as he thought and so he contradicted himself when saying that washing included wiping and that it was nearer in taking precaution. He thought by saying so that he would reconcile the verse with the traditions. Whoever pondered at the justification of ar-Razi would find that he was confused. Since the verse was clear in determining the .obligation of wiping so he didn?t need to put washing instead of wiping

Some of the great jurisprudents and linguists declared that the verse had showed the obligation of wiping the

feet and not washing them. Among them was the jurisprudent Sheikh Ibraheem al-Halabi in his book Ghunyatul Mutamalli fee Sharh Munyatul Musalli according to the Hanafite school. He said: ?The verse was recited (according to the rules of Arabic) by putting ?your feet? either in accusative form or genitive form. The most famous reciting was to put ?Your feet? in accusative form by coupling it to ?your faces? or in genitive form according to (neighboring). But the most correct form was to couple ?your feet? to ?your heads? because ?your feet? wouldn?t be coupled to ?your faces? that the two phrases were separated by a different sentence (and wipe your heads). The rule in linguistics was not to separate between the two with a word so how about a full sentence.?[۱۶۰]

Among those, who followed this clear way in dealing with this verse, was Imam Abul Hasan Muhammad bin Abdul Hadi as-Sindi. He said: ?Wiping the feet was declared by the verse because reciting the phrase in genitive form was clear according to the wording of the verse and reciting the phrase in accusative form would be not acceptable according to the linguists because the two coupled phrases were separated by a full sentence and so the apparent meaning of the verse showed wiping the feet.?[۱۶۱] He also, like the others, tried to subject the Quran to the traditions that determined washing the feet.

Az-Zamakhshari philosophized in his Kashshaf when talking about this verse. He said: ?The feet were among the (three) organs that were to be

washed (in wudu?) by pouring water over them. Perhaps it was considered as bad wasting, which was prohibited, so ?the feet? were coupled to ?the heads?, which were to be wiped, not in order to be wiped but just to draw the attention to the necessity of economizing in pouring water over them. It was said ?to the ankles? as an end of washing in order to clear the meaning for those, who thought that the feet were to be ?.wiped, because no end was determined for wiping in the Sharia

This philosophy of coupling ?the feet? to ?the heads? and in mentioning the end (limit) of washing the feet had nothing to do with deducing the legal verdicts out of the verse at all. The verse had nothing of that at all but it was his way in submitting the verse to his doctrine instead of deducing the legal verdicts out of the evidences the verse had. He was so odd in his affectation, which no one would listen to except who thought that washing the feet was irrefutable according to one?s belief but as for it was the point of the dispute then no one would listen to because many of the Sunni had confessed that the verse declared the obligation of wiping the feet. The rules of Arabic determined that ?your feet? was coupled to ?your heads? which must be wiped .according to the consensus, and this sufficed as clear evidence

A look at the traditions of washing

:The traditions talking about washing the feet were two kinds

The traditions .۱

that didn?t evidence washing like the tradition narrated by Abdullah bin Amr bin al-Aass and mentioned in al-Bukhari and Muslim?s Sahihs. He said: ?In one of our travels with the Prophet (s), the Prophet (s) retarded a little. Then he joined us when it was the time of Assr prayer. We began to wipe our feet (in wudu?). He said: Woe be to the heels from Hell!?[۱۶۲]

If this tradition was true, then wiping the feet would be the correct act of wudu? because the Prophet (s) didn?t deny it but he confirmed it. He only denied the filthiness of the heels. Among the Muslims were ignorant bare-footed nomads, who often made water over their heels especially in travel, so he threatened them of Hell lest they offered prayer with those impure heels.

۲. The traditions that referred to washing the feet in wudu? like the tradition narrated by Hamran the freed slave of Othman bin Affan. He said: ?I saw Othman pouring water from his vessel over his hands and washed them three times and then he rinsed his mouth and his nose? then he washed each foot three times? then he said: I have seen the Prophet (s) doing wudu? like mine.?[۱۶۳]

Another tradition of Abdullah bin Zayd bin Aasim al-Ansari when he was asked: ?Would you do wudu? before us like the wudu? of the Prophet (s)?? He asked for a vessel of water. He poured some water over his hands?then he washed his feet to the ankles. Then he said: ?The Prophet (s) did

.wudu? like this.?[۱۶۴] There were other traditions having the same meaning

:We had some notes about these traditions as the following

First: these traditions contradicted the holy Quran and the traditions of the infallible imams of the Prophet?s progeny, who agreed upon the obligation of wiping the feet in wudu?. The Quran and the Prophet?s progeny were the two weighty things the Prophet (s) had left for the umma. If the umma kept to them, it would never go astray. .Hence every thing contradicted these two things would be brushed aside

It sufficed as evidence for denying washing the feet in wudu? and refuting the traditions talking about it that the scholar of the umma and the vessel of the Quran and the Sunna, Abdullah bin Abbas often said: ?Allah determined two washes and two wipes (in wudu?). Didn?t you see that when He mentioned tayammum, He determined two wipes in stead of the two washes (of wudu?) and cancelled the two wipes (of [wudu?).?[۱۶۵

[Abdullah bin Abbas often said: ?Wudu? is two washes and two wipes.?[۱۶۶

When he was informed that ar-Rabee? bint Afra? al-Ansariyya pretended that the Prophet (s) performed wudu? at her house and washed his feet, he came to her asking her about that. When she told him of that he said denyingly: ?The people insisted on washing (the feet in wudu?) whereas I didn?t find in the Book of Allah save [wiping.?[۱۶۷

Second: if these traditions were true, they would be recurrent and would be narrated by the all because knowing about the purity of the

feet in wudu? was a necessary need of the Muslims; men and women, frees and slaves, and it was a necessity needed every day and night. If it was else than the wiping mentioned in the Quranic verse, then it would be known by the Muslims, who lived at the time of the Prophet (s) and after that. It would be a certain thing among all the Muslim and it would spread in every country and at every age and there would be no way to deny it or to doubt about it. But since it was not so, the traditions appeared .to be so weak and then to be brushed aside

Third: the traditions talking about the kind of the purity of the feet contradicted each other. Some of them showed that it was to wash the feet in wudu? like the traditions narrated by Hamran and ibn Aasim and some showed that it was to wipe the feet like the tradition mentioned by al-Bukhari in his Sahih and narrated by Ahmad, ibn Abu Shayba, ibn Abu Omar, al-Baghawi, at-Tabarani and al-Mawardi. All of them narrated the tradition from a trusted and reliable series of narrators.[۱۶۸] The tradition reached Abul Aswad from Abbad bin Tameem from his father, who said: ?I saw the Prophet (s) ?.performing wudu? and wiping his feet

Also there was the tradition narrated by Zurara bin A?yun and Bukayr bin A?yun that Imam Baqir had imitated the Prophet?s wudu? by wiping his head and his feet with the leftover water of his

.hands

It was mentioned in Majma?ul Bayan that ibn Abbas had imitated the Prophet?s .wudu? and wiped his feet

Since there was a contradiction between the traditions, so we had to depend upon the .Book of Allah as our reference

A look at their excuse of approval

The Sunni might justify washing the feet that they found it more suitable for the feet than wiping as that wiping the head was more suitable than washing it because the filthy feet often wouldn?t be purified unless they were washed unlike the head, which .would often be purified by wiping

They said that the reasonable interests could be reasons for performing the religious obligations until the Sharia noticed two meanings; one referred to interest and the other referred to worship. They meant by interest what referred to the perceptible .things and by worship what referred to the purification of the soul

We believe that Allah the Almighty has noticed His people in all what He has charged them with of the legal obligations. He hasn?t ordered them to do anything unless it is for their benefit and He hasn?t forbidden them from doing anything unless it causes corruption to them. In spite of that He hasn?t let the divine verdicts be decided according to the people?s thoughts whether they cause benefit or corruption. He has ordered them to worship Him according to irrefutable evidences and He hasn?t left to them any outlet to slip to other than His verdicts. The first of these evidences is the holy Quran. The Quran has determined wiping the heads and the feet

in wudu? and it must be obeyed. As for the cleanness of the feet, it must be done before performing wudu? according to special conditions saying that the purity of the organs, which were to be washed or wiped in wudu?, must be confirmed before performing wudu?.[۱۶۹] Washing the feet done by the Prophet (s) as it was mentioned in those traditions might be of this kind or it might be for cooling or it might be to .?exaggerate in cleanness after performing wudu

Note

Ibn Maja mentioned in his Sunan a tradition narrated by Abu Iss~haq that Abu Hayya had said: ?I saw Ali perform wudu? and then he washed his feet to the ankles. He said: ?.?I wanted to show you how the Prophet (s) performed wudu

As-Sindi said: ?This was a serious refutation against the Shia, who believed in wiping the feet, where Ali believed in washing the feet. Therefore the author mentioned it and began his chapter with it. He did well in mentioning this tradition in this concern. May Allah reward him good. The apparent meaning of the Quranic verse required to wipe the feet as it was narrated by ibn Abbas and so it must be interpreted to mean [washing the feet.?[۱۷۰

May Allah forgive him, ibn Maja and all the Sunni scholars. They knew well that this :tradition was null in many ways

First: Abu Hayya, the narrator of this tradition, was nobody and was one of the most obscure narrators. Ath-Thahabi mentioned him in his Mizan and said: ?No one knew who

he was.? Then he mentioned that ibn al-Madeeni and Abul Waleed al-Fardhi had said: ?He was unknown.? He also said: ?Abu Zar?a said: His name was never mentioned.? [۱۷۱] Then ath-Thahabi said: ?I researched more and more on Abu Hayya but I got nothing about him save ignorance and obscurity. This name might be fabricated by ?!the one, who had fabricated the tradition. Allah is the most Aware

Second: this tradition was narrated from Abu Hayya by Abu Iss~haq only.[۱۷۲] Abu Iss~haq became too old, dotard and often forgot; therefore the people brushed his traditions aside[۱۷۳] and no one narrated from him save Abul Ahwass and Zuhayr bin Mo?awiya al-Ju?fi,[۱۷۴] who were criticized by people for that.[۱۷۵]

There was no doubt that if a narrator became dotard, then all of his traditions narrated after his dotage would be null whether it was known that the traditions were narrated after the dotage like this tradition or it was unknown when they were .narrated

Third: this tradition contradicted the holy Quran and it contradicted the certain .traditions of Imam Ali and his infallible sons (s) and then it must be brushed aside

To the ankles

The ankle mentioned in the Quranic verse was the joint between the foot and the leg. Zurara bin A'yun and Bukayr bin A?yun asked Imam Baqir (s) about the ankles and he answered them so.[۱۷۶] So was mentioned by Sheikh as-Sadooq.[۱۷۷] The linguists .said that every joint of bones was called ?ka?b? ankle

The Sunni scholars said that the two ?ka?bs? ankles were the two protruding bones on the two

sides of the leg. They justified that by saying that if the ?ka?b? was the joint between the foot and the leg, then each leg would have one ?ka?b? and so it should be said (and your legs to the ?ka?bs? ankles)[۱۷۸] as each hand had one elbow so it was said .((and your hands to the elbows

I said: if it was mentioned in the verse (the two elbows), it would be right too without any confusion. Then the meaning would be (wash your faces and hands to the two elbows of each of you and wipe your heads and feet to the two ankles of each of you). The duality or plurality of the two words in the verse didn?t affect the meaning and also the duality of one of them and the plurality of the other wouldn?t affect the right .meaning. Perhaps diversity in expression required that

This would be if each leg had one ankle but if each leg had two ankles then there .would be no way for their justification

The anatomists confirmed that there was a round bone like the ankle of a cow or a sheep beneath the bone of the leg forming a joint between the leg and the foot. It was called ankle (ka?b) too.[۱۷۹] Hence wiping each foot ended to ?ka?bayn? two ankles, which were the very joint and the round bone under it. In dualing the word ?ankle? only without the word ?elbow? in the verse there was a wonderful point referring to something that was not

!known except by the anatomists. Glory be to Allah, the Creator, the Aware, the Wise

WIPING OVER SLIPPERS AND SOCKS

part ۱

The Muslim jurisprudents disagreed upon wiping over slippers and socks so widely that we couldn?t discuss all the details in this short chapter. Generally the research concerned its permissibility or impermissibility, specifying its position, time, conditions .and contradictions

:As for its permissibility, there were three sayings

.First: it was permissible at all whether in travel or residence

.Second: it was permissible only in travel and not in residence

Third: it was impermissible at all because it had not been confirmed by the laws of the .religion

[These three sayings were narrated from the first age (of Islam) and from Malik.[۱۸۰

As for specifying its position (on the feet), it was disagreed upon it. Some said that what was obligatory was wiping the upper side of the slipper and that wiping its lower side was mustahab.[۱۸۱] Some said it was obligatory to wipe the upper side and the lower side of the slipper.[۱۸۲] Some said it was obligatory to wipe the upper side only and wiping the lower side was neither obligatory nor mustahab.[۱۸۳] Some might say that it was optional to choose between wiping the upper side and the lower side. [Which of them was wiped would be obligatory.[۱۸۴

As for the position of wiping, those who believed in wiping over the slippers disagreed [upon wiping over the socks; some permitted it and others prohibited it.[۱۸۵

As for the kind of the slipper, they disagreed upon wiping over the torn slipper; some said it was permissible as long

as it was called a slipper even if it was so badly torn;[۱۸۶] some prohibited it if there was a tear in the front of the slipper that something of the foot might appear even if it [was so little[۱۸۷] and some permitted it if the tear was small.[۱۸۸

As for the time of wiping, they disagreed upon it too. Some said it was not timed and that the wearer of the slippers could wipe over them as long as he didn?t take them off or he didn?t become impure.[۱۸۹] Some said it was timed with a certain time for the resident and another time for the traveler.[۱۹۰] They disagreed upon the kind of travel .and its distance

As for the conditions of wiping over the slippers; the feet must be pure (by wudu?) when wearing the slippers. Most of them decided this condition but it was mentioned that Malik had considered it as not necessary.[۱۹۱] They disagreed in this concern about one, who washed his feet and put on his slippers and then completed his wudu? that if he would be satisfied with washing his feet or he had to wipe over the slippers. [There were two different sayings.[۱۹۲

Among the contradictions of wiping over the slippers was taking off the slippers. Some said that one would remain pure if he took his slippers off until he committed something invalidating his wudu? and he didn?t have to wash his feet.[۱۹۳] Some said that one?s purity would be invalidated as soon as he took his slippers off.[۱۹۴] Others

said that one would remain pure if he washed his feet after taking off the slippers but if he offered the prayer without washing his feet he would have to offer the prayer again after washing his feet[۱۹۵] besides other different sayings and beliefs concerning wiping over the slipper, which we didn?t want to detail them in this .chapter

The Shia believed, according to their infallible imams (s), that wiping over the slippers was impermissible whether in travel or in residence. Our evidence for that was the saying of Allah the Almighty: (?and wipe your heads and your feet to the (two) ankles). Allah had ordered to wipe the feet themselves so who had decided to wipe over the slippers? Was this Quranic verse annulled? Was it allegorical? Certainly not! It was one of the decisive verses of the Quran according to the consensus of the umma. The interpreters agreed upon that no verse of sura of al-Ma?ida, which included this verse of wudu?, was annulled except one verse (O you who believe! do not violate the signs .appointed by Allah?)[۱۹۶] ۵:۲

The traditions talking about wiping over the slippers were not evidenced by the Shia according to the conditions determining the rightfulness of traditions besides other :things that showed the weakness of those traditions

First: those traditions contradicted the Quran and the true traditions of the Prophet (s). The Prophet (s) said: ?If someone narrates a tradition to you pretending that I have said it, you are to compare it to the Quran. If it complies with

[the Quran, then you are to accept it but if not then you are to deny it.?[۱۹۷

Second: those traditions contradicted themselves and contradicted each other; therefore much disagreement happened between those, who acted according to them and tried to justify them in a way or another. Their sayings were contradictory [because the traditions themselves were contradictory.[۱۹۸

Third: the infallible imams (Ali and his progeny) agreed upon the impermissibility of wiping over any obstacle (other than the bare foot) whether it was slippers, socks, shoes or anything else.[۱۹۹] The traditions narrated by them contradicted clearly that .ones narrated by the Sunni that permitted wiping over slippers

The basic rule in dealing with the contradictory traditions was to depend upon what complied with the holy Quran. This would be if the traditions were equal in the reliability of the series of the narrators and the subject of the traditions. But would anyone be equal to the Prophet?s progeny; the infallible imams, who were as equal as ?the Quran

Fourth: if those traditions were true, they were recurrent in every age and in every country because knowing the purity of the feet in wudu?-as we said before-was necessary for all the men and the women of the umma. It was necessary in every day and every night whether in residence or travel. If it was other than the wiping mentioned in the Quranic verse, it would be known by the Muslims at the age of the Prophet (s) and after that and it would be famous among all the Muslims throughout

the ages especially when it was abnormal and odd! But as it was not so, the weakness .of those traditions appeared clearly and made them be brushed aside

Fifth: if it was supposed that those traditions were true, then they would be annulled by the sura of al-Ma?ida because it was the last sura of the Quran that nothing was revealed after it, with which Allah (had perfected the religion, completed the favor and chosen Islam as a religion) so its obligations were obligatory until the Day of Resurrection and its haram was haram until the Day of Resurrection as Aa?isha had said to Jubayr bin Nufayr, who had visited her after performing hajj: ?O Jubayr, did you recite al-Ma?ida?? He said: ?Yes, I did.? She said: ?It was the last sura of the Quran that was revealed. Whatever permissible thing it has (it orders to be followed), you are to do it and whatever impermissible thing it has (it forbids from) you are to [avoid it.?[٢٠٠

In spite of that the Sunni clung to the act of wiping over the slippers even after the revelation of al-Ma?ida. They depended upon a tradition narrated by Jareer. Once he made water and then he performed wudu? and wiped over his slippers. He was asked: ?Why did you do so?? he said: ?I saw the Prophet (s) do so. He made water and ?.then he performed wudu? and wiped over his slippers

Muslim mentioned this tradition and said that it was admired by them and he justified that by saying

[that Jareer became a Muslim after the revelation of al-Ma?ida.[٢٠١

Jareer became a Muslim before the revelation of al-Ma?ida because he was present with the Prophet (s) during the last (farewell) hajj of the Prophet (s). He was ordered, .at that day, to ask the people to be silent-as it was mentioned in al-Issaba

So definitely he became a Muslim before that hajj and definitely al-Ma?ida was not [revealed before that hajj.[٢٠٢

At-Tabarani mentioned a tradition that Jareer had said: ?The Prophet (s) said: Your brother an-Najashi died?? The death of an-Najashi was before the revelation of al-.Mai?da. There was no doubt that he had died before the tenth year of hijra

Al-Qastalani had another odd saying about wiping over the slippers. He said: ?Wiping was not annulled because the tradition narrated by al-Mugheera showed clearly that the Prophet (s) had wiped over his slippers during the battle of Tabook, which was the last battle of the Prophet (s), and al-Ma?ida was revealed during the battle of al-???Muraysee

part ٢

The battle of al-Muraysee? was the battle of bani al-Mustalaq itself. It was in the fifth-and it was said in the fourth or in the sixth-[٢٠٣] year of hijra. After this battle many suras were revealed besides al-Ma?ida. What was revealed during this battle was the verse of tayammum, which was a part of sura of an-Nissa?: (?and if you are sick, or on a journey, or one of you come from the privy or you have touched the women, and you cannot find water, betake yourselves to pure earth, then

.wipe your faces and your hands; surely Allah is Pardoning, Forgiving) ۴:۴۳

The true saying about that was narrated by Aa?isha and mentioned by al-Wahidy in his book Asbab an-Nuzool. Refer to it to be sure that al-Qastalani was confused .between the verse of wudu? and the verse of tayammum

In fact al-Mugheera and Jareer were among those, whom we couldn?t trust or rely .upon. Soon you shall see the history of al-Mugheera that makes us not trust in him

.Jareer had a situation towards Imam Ali that made us not trust in him too

Sixth: Aa?isha, the Prophet?s wife, who was so clever and aware of the Sunna and who lived in the house, where the Quran was revealed, denied wiping over the slippers very strongly. Ibn Abbas, who was the scholar of the umma and the vessel of the Book and the Sunna, also denied wiping over the slippers so insistingly. They both denied this matter to a degree that Aa?isha said: ?To cut my feet is much more desirable to me than to wipe over the slippers? and ibn Abbas said: ?To wipe over a [donkey?s skin is much more desirable to me than to wipe over the slippers.?[۲۰۴

?Would this kind of denying comply with those traditions

Certainly not! If these sayings were said by these persons, who lived with the revelation of the Quran and knew every corner of it, then would we brush them aside to rely upon sayings said by persons coming centuries after the revelation of the ?Quran

Whoever pondered impartially on the denying

of the Prophet?s wife, the Prophet?s cousin and the Prophet?s pure progeny, .definitely would suspect those false traditions

Then you would know well that saying that those traditions were recurrent was just a lie. Were they so recurrent whereas those close persons to the Prophet (s) ignored !them or pretended to ignore them? Glory be to Allah! This was but a great fabrication

In fact if those traditions were recurrent, they wouldn?t be denied by Abdullah bin .Omar,[۲۰۵] Imam Malik[۲۰۶] and many other Muslims

He, who said: ?I am afraid that whoever doesn?t believe in wiping over the slippers .will be unbeliever?[۲۰۷] had done wrong so badly

It was mentioned that wiping over the slipper was neither of the bases of the religion nor of the necessities of its branches nor was determined by the Quran or the Sunna nor was agreed upon by the consensus of the umma. It was just a concession among a group of the Muslims away from the others. Would it be a sin if a Muslim gave it up in order to de according to the clear Quranic verse of wudu?, which all the Muslims agreed unanimously upon the validity of acting according to the verdicts mentioned in? They agreed upon that unanimously unlike wiping over the slipper, which was a point of dispute and disagreement among the Muslims and which would never lead to remove any impurity from the feet and so the validity of the prayer would be .uncertain

Then would he, who followed the orders of the Quran and performed his

obligations with precaution, be considered as unbeliever? O you Muslims! What would you say about Aa?isha, Ali, ibn Abbas and the rest of the Prophet?s progeny, who ?denied wiping over the slippers

Wiping over the turban

The Shia ulema thought that wiping over the turban was impermissible. This was the .belief of ash-Shafi?iy, Abu Haneefa and Malik

Imam Ahmad bin Hanbal, Abu Thour, al-Qassim bin Salam, al-Awza?iy and ath-Thawri[۲۰۸] contradicted that and said that it was permissible according to their analogy in applying wiping over the slippers to the turban and depending upon a tradition narrated by al-Mugheera bin Shu?ba that the Prophet (s) had wiped over his forelock and over his turban. In some ways of his tradition he said that the Prophet (s) .had wiped over the turban and he didn?t mention the forelock

The Quran sufficed us when saying: (? and wipe your heads?) and the Sunna proved that the Prophet (s) used to wipe his forelock and this was confirmed unanimously and .didn?t need any explanation

Their excuse by applying analogy to the divine verdicts was not acceptable because .the religion of Allah was not to be taken by analogy

Wiping over the slippers was denied as you already knew. The tradition of al-Mugheera was null even if it was mentioned by Muslim in his Sahih. Abu Omar bin Abdul Birr said about this tradition: ?It is a suspicious tradition.?[۲۰۹] Perhaps Abu Haneefa, ash-Shafi?iy and Malik didn?t care for this tradition because it was .suspicious for them too

,Al-Mugheera had a biography full of cunning, deception, changeableness, trickery

immersing in sins, plunging into lusts and exceeding in perfidy. He exceeded all the limits in supporting the enemies of the Prophet?s progeny and in opposing the loyal .believers

He became a Muslim in order to spare his blood from bani[۲۱۰] Malik. Once he went with some notable men of bani Malik to visit al-Muqawqas in Alexandria. The people of bani Malik won the prize of the king but al-Mugheera didn?t. Greediness led him to betray them. He invited them to drink while they entrusted in his companionship. He made them drink until they became drunken. Then he killed them one after the other and seized their monies. Since he couldn?t find any shelter to resort to in order to be safe from being revenged on except to join Islam, he went to the Prophet (s) in Medina and said the shahada. The Prophet (s) accepted his shahada as he used to do with everyone saying the shahada. When al-Mugheera offered to give the monies to the Prophet (s), the Prophet (s) with his holy soul disdained to accept them because .they were seized by betraying.[۲۱۱] In this way al-Mugheera became a Muslim

Abu Bakra, who was one of the great prophet?s companions, and his companions witnessed that al-Mugheera had committed adultery, which would have led him to be punished by being stoned until death according to the Islamic laws. This was very famous case among the events of the year seventeen A.H.[۲۱۲] O you people! How could we then deny the holy Quran and depend upon

!!?a tradition narrated by such a man

?Does wiping the head have a limit

The Shia ulema thought that there was no limit in wiping the head whether for the wiping organ (the hand) or for the wiped organ (the head). It was enough for the Shia to wipe the least part of the head as possible.[۲۱۳] This was the belief of ash-Shafi?iy too. Imam Malik, Imam Ahmad and others thought that it was obligatory to wipe all the head. Abu Haneefa thought that it was obligatory to wipe a quarter of the head .with three fingers and less than that would not suffice

Our evidence (the Shia?s evidence) was the Quranic verse (? and wipe your heads?). [۲۱۴] The real meaning of the verse referred to the general wiping of the head. Since wiping the head was achieved by wiping all the head or a quarter of it, also it would be achieved by wiping less than that even by passing one finger or a part of a finger over a part of the head. There was no any evidence confirming what they said in this concern. If Allah wanted all the head to be wiped, he would say: (wipe your heads-without using the preposition) as He had said: (wash your faces) and if the required thing to be wiped was certain, Allah would specify it with some kind of definition as He had said when talking about washing the hands (? and wash? your hands to the ?) :elbows) and when talking about the feet He said

.(to the ankles

SIX DISPUTABLE QUESTIONS

Wiping the ears .١

The Shia agreed, according to their infallible imams, upon that wiping the ears was not a part of wudu? at all because neither the Quran nor the Sunna or the consensus of the umma had evidenced it. In fact the clear Quranic verse of wudu? determined that wudu? was to be performed with two washings and two wipings; washing the .face and the two hands and wiping the head and the two feet

The Hanbalites said that it was obligatory to wipe the two ears with their meatuses. Ibn Rushd said in his book[٢١٥] that this was the belief of Abu Haneefa and his .companions

Ash-Shafi?iy and Malik said that wiping the ears was mustahab and not obligatory but they disagreed upon wiping them with new water or with the same water of wudu? remained on the hands. Some of their companions said that the ears were to be washed with the face. Others said that the interior parts of the ears were to be wiped .with the head and the external parts of them were to be washed with the face

Ash-Shafi?iy said that it was mustahab to repeat wiping the ears as he said that it was .mustahab too to repeat wiping the head

They depended upon weak traditions that were not proved to be true by the Shia. Also al-Bukhari and Muslim didn?t pay any attention to them. Those, who acted according to these traditions although they were so weak, justified that by saying that acting according to these traditions was famous among

.them

The infallible imams of the Prophet?s progeny didn?t pay a bit of attention to these traditions. They were the people of the Prophet?s house and definitely the people of a .house would be more aware of what there was in the house than anyone else

?Does washing the head instead of wiping it suffice for wudu .۲

The people of the four Sunni sects agreed upon that washing the head instead of wiping it would suffice for wudu? but they disagreed upon that if it was makrooh[۲۱۶] or not. The Hanafites and the Malikites said that it was makrooh justifying their belief by saying that washing the head was opposite to what Allah had ordered. The Shafi?ites said that it was not makrooh but it would be against the worthier act. The Hanbalites said that washing the head instead of wiping it would suffice for wudu? on .condition that the hand must be passed over the head

As for the Shia, they agreed unanimously upon that washing the head would never suffice for wudu? because it was opposite to what Allah had ordered and opposite to the Prophet?s Sunna. The Prophet (s) used to wipe his forelock in wudu? and he didn?t wash his head. Hence washing the head in wudu? was null and it would invalidate wudu? too. You already knew that we said previously that washing and wiping were .two different facts

?Order in performing wudu .۳

The Shia agreed unanimously, according to their pure imams, upon the obligation of the order of the acts of wudu? as they were arranged by the Quranic verse of wudu?. [[۲۱۷

The Malikites, the Hanafites, Sufyan ath-Thawri and Dawood thought that the order of the acts of wudu? was not necessary. They considered it as mustahab and said that wudu? wouldn?t be invalidated if the order of its acts was violated. They said that wudu? would be valid if one began

his wudu? by washing his left foot and ended his wudu? by washing his face although .his acts were opposite to the order of wudu? mentioned in the Quranic verse

The Shia?s evidence was the Quran and the Sunna. The Quranic verse showed the order of the acts of wudu? clearly. The Sunna confirmed that the Prophet (s) kept to the order of the acts of wudu? whether his wudu? was for a wajib prayer or a mustahab prayer. He was pure along his life. Whenever his wudu? was invalidated, he performed it. He often perform wudu? although he was pure by the previous wudu?. He often said: ?It is a light on alight.? The umma agreed upon that the Prophet (s) had never performed wudu? unless he followed the order of its acts. If the order of wudu? was not a condition for wudu? to be valid, the Prophet (s) would break it even one time or he would declare that it was permissible to break the order of the acts of wudu? to show the right verdict as he used to do whenever there was a religious verdict. Since the Prophet (s) didn?t break the order of wudu? and didn?t declare that it was permissible to break it, so we knew definitely that the base was to follow the order of .wudu? as a condition for wudu? to be valid

?Succession of acts of wudu .۴

The Shia ulema, according to their imams, thought that the succession[۲۱۸] of the acts of wudu? was a necessary condition for the validity of

wudu?. The previous organ, which was to be washed, must not dry before finishing .washing the following organ when the environments were normal

The Shafi?ites and the Hanafites said that the succession of the acts of wudu? was neither a condition nor wajib but it was mustahab. It was makrooh for them to separate between the organs of wudu? if there was no excuse but if there was an excuse, it would be not makrooh. For example if one forgot to wash one of his organs and after a period of time he remembered or the water he had ran out and he went to .?bring some water to complete his wudu

The Malikites said that succession would be wajib if one remembered and was able to .do that and it would be not wajib if one forgot or there was another excuse

Our evidence was the doing of the Prophet (s). He kept to succession in performing the acts of wudu? as he kept to the order of the acts of it. It was not mentioned at all that he had slacked in performing the acts of wudu?. If that was not a condition for wudu? to be valid, he would break it even for one time or he would declare that it was permissible to break it in order to show the Muslims the real legal verdict but since he .?hadn?t done that, we knew that succession was obligatory in performing wudu

Wudu? would be valid if it had all the conditions determined by the Quran and

the Sunna but if it didn?t have all its conditions then its validity would be disputable by the different sects of the Muslims. The infallible imams of the Prophet?s progeny (s) thought that if wudu? didn?t have all of its conditions, it wouldn?t be valid and it .wouldn?t make the prayer valid

The intention .۵

The Shia agreed unanimously, according to their imams, upon the conditionality of the intention in the validity of wudu? and ghussl[۲۱۹] because they were among the acts of worship that Allah had ordered his people to do. (And they were not enjoined anything except that they should serve Allah, being sincere to Him in obedience. ۹۸:۵) This was the belief of ash-Shafi?iy, Malik, Ahmad, Dawood, Abu Thour and many of the Sunni .imams

The Hanafites said that the obligation of wudu? and ghussl with pure water[۲۲۰] was but to lead to the purity that would be achieved only by flowing the water over the organs whether it was done with an intention or not or even if it was done without one?s option. They said if someone fell into water without his option or he entered into water just to enjoy himself, to cool himself or to clean himself or just to join the others and then water covered all his organs of wudu?, he could offer the prayer with this wudu? even if he was unbeliever when he entered into water and then he became a Muslim when he left the water. They didn?t consider believing in Islam as a condition for the

.?validity of wudu

They stipulated the intention for the validity of tayammum because soil didn?t purify in its nature but its purification was a devotional act so the validity of tayammum required an intention. So was about performing wudu? and ghussl with date-juice or the leftover water, from which a donkey or a mule drank, because the purity of this .date-juice and such leftover water was devotional like the soil in tayammum

They went too far in detailing wudu? and ghussl. They permitted performing wudu? with date-juice or the leftover water of the donkey or the mule and they considered this as an (unreasonable kind of worship) and they said that intention was obligatory for such act. On the other hand they considered performing wudu? with pure water as one of the obligations that led to the perceptible cleanness like getting rid of any .impurity

I didn?t know how they became so certain that the aim of Allah, when He had legislated wudu?, was but perceptible cleanness, which would be gained by the flowing of water over the organs! Every Muslim, man or woman, knew that wudu? and ghussl were performed to remove the effect of any (hadath)[٢٢١] in order to make the prayer (after wudu? or ghussl) valid and this thing was not perceptible or understood by people. It was just a devotional act determined by the Most Aware of every fact that was unknown by the people, the jinn, the angels and all the creatures. Yes, we believed that wudu? was legislated to remove the minor

hadath and ghussl to remove the major hadath exactly as we believed in the other .obligations like prayer, fasting, zakat and hajj

Mere happening of the perceptible cleanness by wudu? or ghussl in many times didn?t make them (wudu? and ghussl) as the attainment of the very cleanness. If the purpose of wudu? and ghussl was just to gain the perceptible cleanness, then they wouldn?t be obligatory for one, who committed a hadath, if he was so clean and tidy. This was against the consensus of the umma and against the true Sunna of the Prophet (s), who had said: ?Allah doesn?t accept a prayer of anyone, who commits a hadath until he performs wudu?.? He also said: ?Allah doesn?t accept any prayer ?.without wudu? and doesn?t accept any charity gained out of injustice

The Quran and the Sunna might be depended upon as evidences confirming the .?necessity of the intention in performing wudu

As for the Quran, the verse mentioned in sura of al-Ma?ida (O you who believe! when you rise up to prayer, wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles; and if you are under an obligation to perform a total ablution, then wash (yourselves)? ۵:۶) confirmed that wudu? and ghussl were among the obligations that the Muslims had been ordered to do and the verse mentioned in the sura of al-Bayyina (And they were not enjoined anything except that they should serve Allah, being sincere to Him in obedience. ۹۸:۵) confirmed

that all what the Muslims had been ordered to do must be done with loyalty to Allah. .But in this conclusion there was a kind of consideration or in fact a kind of paradox

As for the Sunna, the way of the Prophet?s wudu? confirmed that he had kept to the order of the acts of wudu? besides the intentions according to the account that (the validity of the deeds depended upon the intentions (to do them)). The Hanafites said: ? The perfection of the deeds depends upon the intentions? and so this would not be as evidence for what we said. It might be said when answering them that the first saying would be better because the validity of the deeds was more required for the truth than the perfection of the deeds for what was more required would be more possible .to occur to the mind

The Shia followed their imams in all what they believed in. The beliefs of their imams were considered as fixed evidences because the infallible imams of the Prophet?s progeny were equal to the Quran as the Prophet (s) had said in one of his traditions. They were the vessel of the Prophet?s Sunna, the ships of rescue for the umma; whoever rode in them would be safe and whoever lagged behind them would drown. They were the gate of forgiveness. They were the firmest handle, which would not break off. They were the safety of the umma, which would keep them away from separation. They were the secure shelter, which

would protect the umma against torment. They were the guardians of the Prophet (s) and the heirs of his knowledge and wisdom. They were the worthiest in following the .Prophet?s Sharia

[Performing wudu? with juice[۲۲۲ .۶

The Shia agreed unanimously, according to the pure imams of Muhammad?s progeny (s), upon the conditionality of the purity[۲۲۳] of the water used in performing wudu? and ghussl whether in residence or travel. They also agreed upon that if there was no water, one had to perform tayammum with clean soil. This was the belief of ash-.Shafi?iy, Malik, Ahmad and others

Abu Haneefa and Sufyan ath-Thawri said that it was permissible to perform wudu? and ghussl with date-juice in travel when there was no water.[۲۲۴] Al-Hasan al-Basri and Abul Aaliya Rafee? bin Mihran said that it was makrooh. Atta? bin Abu Rabah said: ?Performing tayammum is more desirable to me than to perform wudu? with milk or yogurt.?[۲۲۵] Al-Awza?iy said that it was permissible to perform wudu? and ghussl with [all kinds of juices[۲۲۶] and all kinds of pure (permissible) liquids.[۲۲۷

The evidences of the Shia for this matter were the Quran, the Prophet?s Sunna and .the consensus of the umma

The Quran said: (? and you cannot find water, betake yourselves to pure earth, then wipe your faces and your hands. ۴:۴۳) Allah ordered to perform tayammum instead of .wudu? when there was no water and He didn?t give any other choice

As for the Sunna, it was enough for us that the Prophet (s) had said: ?The pure earth is the Muslim?s wudu? if he doesn?t

find water.? This Prophet?s saying was like the previous verse. It didn?t suggest any .option other than wudu? and tayammum

But as for the consensus, all the Muslims agreed unanimously upon one thought. Whoever contradicted this thought was abnormal and violating the consensus of the Muslims and then no one would care for his abnormality. Among the abnormal sayings [was this one: ?It was not permissible to perform wudu? with seawater.?[۲۲۸

Abu Haneefa, Sufyan ath-Thawri and others depended in their thought upon a :tradition narrated by ibn Mass?ood in two ways

First: al-Abbas bin al-Waleed bin Sabeeh al-Khallal ad-Damashqi from Marwan bin Muhammad at-Tatiri ad-Damashqi from Abdullah bin Luhay?a from Qayss bin al-Hajjaj from Hanash as-Sina?iy from Abdullah bin Abbas that ibn Mass?ood had said: ? The Prophet (s) asked me in the night (of the jinn): ?Do you have some water.? I said: ? No, I don?t. But I have some juice in (sutayha) a vessel.? The Prophet (s) said: ?A good date and pure water! Pour over my hands!? I poured (of the juice) over his hands and ?.he performed wudu? with that juice

No one mentioned this tradition, in this way, except Muhammad bin Yazeed bin Maja al-Qazweeni in his Sunan-as I knew-because of the many defects it had. Al-Abbas bin al-Waleed was neither trusted nor reliable. The scholars of jarh and ta?deel left him aside. Abu Dawood was asked about him as it was mentioned in Mizanul I?tidal and he said: ?He knew much about the narrators and traditions but I don?t narrate from him.? The scholars

didn?t depend upon his traditions because he was weak. As for his sheikh Marwan bin Muhammad at-Tatiri, he was one of the deviate Murjites.[٢٢٩] Al-Aqeeli mentioned him in his book of the weak narrators. Ibn Hazm declared that he was weak. All that was mentioned in Mizanul I?tidal. His sheikh Abdullah bin Luhay?a was considered by the scholars of jarh and ta?deel as a weak narrator. Refer to Mizanul I?tidal to find that ibn Mu?een and ibn Sa?eed had confirmed that he was weak. Some of the other .narrators of this tradition had defects too but we didn?t need to show other details

Second: the series of the narrators of the two ways of the tradition reached Abu Zayd the freed slave of Amr bin Hurayth that ibn Mass?ood had said: ?The Prophet (s) asked me in the night of the jinn: ?Do you have tahoor[٢٣٠] (some water)?? I said: ?No, just some juice in (adawa) a vessel.? He said: ?A good date and pure water.? Then he ?.?performed wudu

It was mentioned by ibn Maja, at-Tarmithi and Abu Dawood. This tradition was null in this way as it was null in the first way. It was enough for this tradition to be null that its main narrator was Abu Zayd the freed slave of Amr bin Hurayth. He was unknown by the scholars of Hadith as it was said by at-Tarmithi and others. Ath-Thahabi mentioned him in his Mizanul I?tidal and said that no one knew him and that he narrated from ibn Mass?ood but his

traditions were not true. Al-Bukhari mentioned him among the weak narrators and said that the text of his tradition was: ?The Prophet of Allah performed wudu? with juice.? Al-Hakim said about him that he was unknown and that he had narrated .nothing save his (null) tradition

After all, the earlier ulema agreed upon the weakness of this tradition in both of its ways.[٢٣١] It was contradicted by another tradition mentioned by at-Tarmithi in his Sahih and Abu Dawood in his Sunan. All the scholars considered this tradition as true. The tradition said that Alqama had asked ibn Mass?ood: ?Which of you was with the ?.Prophet (s) in the night of the jinn?? Ibn Mass?ood said: ?No one of us was with him

Even if it was supposed that the tradition was true, then it would be annulled by the Quranic verse of tayammum because the night of the jinn was in Mecca before the [hijra whereas the verse of tayammum was revealed in Medina after the hijra.[٢٣٢

The tradition-if it was supposed that it was true-could be interpreted in a way that there might be some dried dates in the water that wouldn?t change its purity and .aspects

Al-Awza?iy, al-Assamm and others, who thought that it was permissible to perform wudu? and ghussl with all the pure liquids, justified their thought by saying that when Allah had ordered of washing and wiping and as they were achieved with water, they .could be achieved with any other pure liquid as well

The answer: Allah made tayammum obligatory when there was no

water and hence permitting performing wudu? with other than that would annul the verdict of Allah. The Quranic verse limited washing to water only and this was showed .very clearly

When the Hanafites permitted performing wudu? with milk mixed with water,[۲۳۳] they might depend upon the same justification, upon which al-Awza?iy and al-Assamm Hatim bin Onwan al-Balkhi had depended.

This what Allah had helped his slave and the son of his slave, Abdul Husayn bin sharif Yousuf bin al-Jawad bin Isma?eel bin Muhammad bin Muhammad bin Sharafuddeen Ibraheem bin Zaynul Aabideen bin Ali Nooruddeen bin Nooruddeen Ali bin al-Husayn Aal Abul Hasan al-Musawi al-Aamily to do for the sake of Him. Praise be to Allah, the .Lord of the worlds

ENDNOTE

۱-۵۰

[۱] Dhuhr means noon and Assr means afternoon. Arafa is a place near Mecca visited .by the pilgrims during the hajj

[۲] It means offering Assr prayer before its time by offering it within the time of Dhuhr .prayer but it must not be offered before Dhuhr prayer

[۳] Maghrib means sunset (time of sunset) and Isha? means evening. Muzdalifa is .place in Mecca visited by the pilgrims during the hajj

[۴] It means delaying Maghrib prayer until the time of Isha? prayer to be offered .together

[۵] .The Hanafite was one of the main four Sunni sects

[۶] .Sihah are the books of Hadith

[۷] .Shafi?is, Malikites and Hanbalites are the main Sunni sects besides the Hanafites

[۸] Some of them said that only the religious travel like the hajj, the minor hajj and the

sacred war permitted offering the prayers at one

time and some said that it was permissible except in the travel of disobedience (when traveling to commit sins) while some put certain conditions about special kinds of travels and others didn?t put any condition by saying that any kind of travel might permit offering the prayers at one time. All that was detailed in the books of their .jurisprudence

Muslim was one of the main persons, who had collected the prophetic traditions in [٩] books called Sihah (Sahih is the singular form). He was highly trusted by the Sunni .sects

You know well that they mean by offering two prayers at one time that is to offer [١٠] them at the time of one of them whether by anteceding the Assr prayer to be offered with the Dhuhr prayer or delaying the Maghrib prayer to be offered with the Isha? prayer. This was their purpose of this saying since the age of the companions until .nowadays and this was the point of the dispute as it was mentioned before

This tradition was mentioned by Ahmed bin Hanbal in his Musnad vol.١ p.٢٢١ and in [١١] the same page there was a tradition narrated by ibn Abbas saying: ?The Prophet (s) offered prayers together seven or eight times while he was in Medina and not on ?.travel

.Tameem was a name of a tribe [١٢]

How this world was so insignificant near Allah and how people were indifferent to [١٣] the Prophet?s family that they doubted about ibn Abbas then to go to Abu Hurayra to be certain about the

truth!! This tradition was also mentioned by Ahmed bin Hanbal in his Musnad vol.۱ .p.۲۵۱

.It was also mentioned by az-Zarqani in his Sharh al-Muwatta? vol.۱ p.۲۶۳ [۱۴]

.Also it was mentioned by Malik in his Muwatta? and by Ahmed in his Musnad [۱۵]

He didn?t want to burden his umma with the obligations that perhaps someone [۱۶] couldn?t find enough time to offer each prayer in its certain time because of the .different affairs of living

.Refer to Sharh al-Muwatta? by az-Zarqani, vol.۱ p.۲۶۳ [۱۷]

.Kanzul Ommal, vol.۴ p.۲۴۲ [۱۸]

Refer to an-Nawawi?s book Sharh Sahih Muslim, az-Zarqani?s Sharh Muwatta? [۱۹] Malik, al-Asqalani, al-Qastalani and Zakariyya al-Ansari in their books when explaining al-Bukhari?s Sahih and refer to everyone commenting on the books of Hadith that included the tradition of ibn Abbas talking about the matter of offering two prayers in one time. They considered the tradition as true and they became certain about the possibility of offering the prayers together in residence (not in travel) just not to embarrass the umma. I don?t know, by Allah, what made them turn away from this possibility! It might be because of their situation towards Ahlul Bayt (the Prophet? !(s progeny

.Like Imam Malik, ash-Shafi?iy and some people of Medina [۲۰]

.This is just guess, falseness and divination [۲۱]

Abu Haneefa and his companions interpreted all these traditions of gathering the [۲۲] prayers together to be formal gathering and so they prohibited offering two prayers together at all and this was very odd of them. We didn?t need to argue with them because many ulema had refuted

.their thought

Refer to Irshad as-Sari fee Sharh Sahih al-Bukhari by al-Qastalani, vol.۲ p.۲۹۳. The [۲۳] author said: ?Some of them interpreted ibn Abbas? tradition to mean that offering prayers together was because of illness and an-Nawawi confirmed this interpretation but he was criticized of being contradicting the apparent meaning of the tradition and ?.that his limiting the tradition to this reason was unjustified

.Refer to Sharh Muwatta? Malik by az-Zarqani, vol.۱ p.۲۶۳ [۲۴]

.Sharh Sahih Muslim, vol.۴ p.۴۵۵ [۲۵]

Like az-Zarqani in his book Sharh Muwatta? Malik and everyone, who had [۲۶] commented on the tradition of ibn Abbas talking about offering prayers together like .al-Asqalani, al-Qastalani and others

.Vol.۵ p.۴۲۸ [۲۷]

.The Arabic word mentioned in the Quranic verse [۲۸]

But if we interpreted ghasaq as the utmost darkness of the midnight-as it was [۲۹] narrated from Imam Sadiq (s)-then the time of the four prayers; Dhuhr, Assr, Maghrib and Isha? would begin from the declining of the sun until midnight. Dhuhr and Assr prayers participated in the time since the declining of the sun until the sunset but Dhuhr prayer must be offered before Assr prayer and Maghrib and Isha? prayers participated in the time since the sunset until midnight but the Maghrib prayer must be offered before the Isha? prayer. As for the Fajr prayer, Allah had assigned its time .(by saying: (?and the morning recitation; surely the morning recitation is witnessed

.Mustahab: A voluntary and meritorious act of worship [۳۰]

Basmalah is saying (bissmillah~ir rahman~ir raheem: in the name of Allah, the [۳۱] .(Beneficent, the Merciful

It is the [۳۲]

.first sura in the Quran that must be recited in every prayer. It is also called al-Fatiha

[۳۳] Nafila means not wajib (obligatory) prayer. It is (mustahab). Refer to ibn Rushd's Bidayetul Mujtahid, vol.۱ p.۹۶. Ar-Razi said in his at-Tafseer al-Kabeer, vol.۱ p.۱۰۰ about bassmala: "Malik and al-Awza'iy said that it was not a part of the Quran except in sura of an-Naml (۲۷) and that it was not be recited whether loudly or softly except in .mustahab prayers in Ramadan

[۳۴] In Fajr, Maghrib and Isha? prayers sura of Hamd and the second sura must be .recited loudly and in Dhuhr and Assr prayers the two suras must be recited softly

[۳۵] .Sura of Bara?a didn?t begin with bassmala

[۳۶] .Refer to at-Tafseer al-Kabeer by ar-Razi, vol.۱ p.۱۰۴

[۳۷] They said that the disagreement was not about considering bassmala as a verse or not but it was about whether bassmala was a complete Quranic verse or a piece of .a verse of each sura

[۳۸] Imam ar-Razi, in his at-Tafseer al-Kabeer when talking about bassmala, mentioned many evidences about reciting bassmala loudly. In one of them he said that Imam Ali (s) thought that bassmala was to be recited loudly in all the prayers. He said: ?This evidence is strong in my self and deep-rooted in my mind. It will never be ?.removed at all

[۳۹] .Refer to Majma?ul Bayan by at-Tabarsi when talking about bassmala in vol.۱

[۴۰] .Sura of Hamd; the first sura of the Quran

[۴۱] Refer to al-Hakim?s Mustadrak when interpreting sura of al-Fatiha and ath-.Thahabi?s Talkhees, vol.۲ p.۲۵۷

[۴۲]

.Al-Hakim?s Mustadrak, vol.۱ p.۲۳۱

Al-Hakim?s Mustadrak and ath-Thahabi?s Talkhees, vol.۱ p.۲۳۱ (printed together [۴۳] .(as one book

Al-Hakim in his Mustadrak, vol.۱ p.۲۳۲ mentioned the tradition and said: ?It was a [۴۴] true tradition according to the two sheikhs; al-Bukhari and Muslim.? Ath-Thahabi in .his Talkhees mentioned it and considered it true according to the two sheikhs too

.Al-Hakim?s Mustadrak and ath-Thahabi?s Talkhees, vol.۱ p.۲۳۲ [۴۵]

.Mentioned by al-Hakim in his Mustadrak after the previous tradition [۴۶]

The Shia don?t recite (amen) after al-Fatiha. They consider it neither a part of al- [۴۷] Fatiha nor a part of the Quran at all. Neither the Shia scholars nor their imams have narrated something of that, whereas the Sunni have depended upon it as a norm of them and they have mentioned many traditions confirming it; one of them is this .tradition of Abu Hurayra

Al-Hakim mentioned this tradition in his Mustadrak after the previous tradition. Al- [۴۸] Bayhaqi mentioned it in his as-Sunan al-Kabeera. Refer to ar-Razi?s Tafseer, vol.۱ .p.۱۰۵

Muhajireen; the first Muslims, who emigrated from Mecca to Medina. Ansar; the [۴۹] people of Medina, who believed in the Prophet (s) and supported him and his .companions

Ath-Thahabi mentioned it in his Talkhees al-Mustadrak and considered it true [۵۰] according to Muslim?s conditions. Al-Hakim and ath-Thahabi considered this tradition to be the contrary of the tradition narrated by Qatada that Anass said: ?I offered prayers behind the Prophet (s), Abu Bakr, Omar and Othman. I didn?t hear any of them reciting in the name of Allah, the beneficent, the merciful.? This tradition is null as

.we shall explain that soon inshallah

۵۱-۱۰۰

[۵۱] .Refer to his Musnad p.۱۳

[۵۲] .At-Tafseer al-Kabeer by ar-Razi, vol.۱ p.۱۰۵

[۵۳] Al-Hakim?s Mustadrak and ath-Thahabi?s Talkhees. They said that all the narrators of this tradition were reliable and they considered it as contrary to the .tradition narrated by Qatada from Anass

[۵۴] Al-Hakim in his Mustadrak and at-Thahabi in his Talkhees mentioned this tradition and said that all its narrators were reliable. They considered this tradition as evidence .to refute the vain tradition narrated by Qatada from Anass

[۵۵] It was mentioned by Imam ash-Shafi?iy in his Musnad p.۱۳ that ibn Omar hadn?t .given up reciting bassmala with al-Fatiha and the second sura in his prayers

[۵۶] (In the name of Allah, the Beneficent, the Merciful).

[۵۷] .Al-Hakim?s Mustadrak, vol.۱ p.۲۳۴

[۵۸] .vol.۱ p.۱۰۵

[۵۹] Mentioned by Abdul Qadir ar-Rahawi in his Arba?een narrated by Abu Hurayra, mentioned by as-Sayooti in his al-Jami? as-Sagheer, vol.۲ p.۹۱ and al-Muttaqi al-Hindi .in his Kanzul Ommal, vol.۱ p.۱۹۳

[۶۰] .Mentioned by ar-Razi in his Tafseer, vol.۱ when talking about bassmala

[۶۱] It was repeated in the third verse of al-Fatiha besides the first verse (in the name .(of Allah, the Beneficent, the Merciful

[۶۲] The faithful person begins all his/her works with in the name of Allah, the Beneficent, the Merciful. If he/she eats, drinks, stands up, sits down, comes in, goes out, takes, gives, reads, writes, dictates, makes speech or slaughters a sacrifice,

he/she will say: in the name of Allah, the Beneficent, the Merciful. When the midwife holds the new-born baby during its birth, she says: in the

name of Allah, the Beneficent, the Merciful. When the faithful person is dying, he/she says: in the name of Allah, the Beneficent the merciful and when he/she is put into the tomb it is said: in the name of Allah, the Beneficent the merciful and when he/she is resurrected, he/she says: in the name of Allah, the Beneficent the merciful and when he/she attends before Allah, he/she says: in the name of Allah, the Beneficent the ?merciful and is there a shelter or a resort then save Allah

[۶۳] Kanzul Ommal by al-Muttaqi al-Hindi, vol.۱p.۳۲۰.

[۶۴] Saying (Allahu akbar; Allah is great).

[۶۵] All praise is due to Allah, the Lord of the Worlds.

[۶۶] ۱۱۲:۱ !Say: He is Allah, the One.

[۶۷] ۴۸:۱ .Surely We have given to you a clear victory.

[۶۸] This was the summary of what Imam ash-Shafi?iy had said when refuting their justification out of this tradition.

[۶۹] ? :Imam ar-Razi mentioned this tradition in his Tafseer, vol.۱ p.۱۰۶ and then said Anass and ibn Mughaffal mentioned the three caliphs in their traditions and didn?t ?.mention Ali. This showed that Ali recited bassmala loudly in the prayers

[۷۰] Jarh means to prove that a narrator of a tradition is not trusty. Ta?deel means to prove that a narrator is trusty and reliable.

[۷۱] Vol.۱ p.۹۷.

[۷۲] mentioned by Muslim in his Sahih, chap. Of bassmala.

[۷۳] Refer to Malik?s Muwatta?.

[۷۴] We mentioned previously the tradition narrated by Hameed at-Taweel that Anass had said: ?I offered prayers behind the Prophet (s), Abu Bakr, Omar, Othman and Ali. ?.All of them recited bassmala loudly

Such was the conduct of the Umayyads towards Imam Ali and his progeny in many of the divine laws until the rightness and falseness were confused. There is no power !save in Allah, the Almighty

[۷۶] .Refer to at-Tafseer al-Kabeer by ar-Razi, vol.۱ p.۱۰۶-۱۰۷

[۷۷] .Ruku? : bowing in prayer. Sujood: prostration

[۷۸] .One unit of the prayer

[۷۹] .(Refer to their jurisprudence especially the book (Ghunyatul Mutamalli

[۸۰] Refer to at-Tafseer al-Kabeer by ar-Razi, vol.۱ p.۱۰۸. Ar-Razi said: ?Know that the thought of Abu Haneefa about this matter was so odd; therefore the jurisprudent Abul Layth as-Samarqandi and the judge Abu Zayd ad-Daboosi declared to avoid his ?.doctrine

[۸۱] Qasr: is a shortened form of prayer. The traveler is to offer two rak?as instead of .four in Dhuhr, Assr and Isha? prayers

[۸۲] .Tasbeeh means glorifying Allah with certain wordings

[۸۳] .Saying shahada

[۸۴] .Tasleem: saying (as-salaamu alaykum?) at the end of the prayer

[۸۵] He fought with the Prophet (s) in the battle of Badr, Uhud and all the other battles. His two brothers Khallad and Malik fought with him in Badr. He fought with Imam Ali (s) in the battles of al-Jamal and Seffeen. He was one of the best supporters of Imam .(Ali (s

[۸۶] .Irshad as-Sari fee Sharh Sahih al Bukhari, vol.۲ p.۴۴۱

[۸۷] .like some of the Mu?tazilites and all the Shia

[۸۸] .The scholars of the Sunni sects other than the Hanafites

Imam an-Nawawi said in Sharh Sahih Muslim: ??and as for his saying: (recite what [٨٩] is easy of the Quran as possible as you can), it referred to al-Fatiha or

something besides al-Fatiha because it was possible for the ordinary people.? Imam as-Sindi said in his Sharh Sahih al-Bukhari: ??his saying: (recite what is easy of the Quran as possible as you can) was because what was possible for people like that man was al-Fatiha. It was mentioned in other traditions that the Prophet (s) had ?.specified al-Fatiha for that man

.Refer to Sahih of Abu Bakr bin Khuzayma and an-Nawawi?s Sharh Sahih Muslim [۹۰]

.Sunan of Abu Dawood [۹۱]

.Mentioned by Abu Dawood in his Sunan and Muslim in his Sahih [۹۲]

Fajir and atheem nearly have the same meaning; fajir means dissolute and [۹۳] .atheem means sinful

Imam an-Nawawi ash-Shafi?iy said in his book Sharh Sahih Muslim when talking [۹۴] about the obligation of reciting al-Fatiha in the prayer: ?All the ulema-the ancestors and the successors-agreed upon the obligation of reciting al-Fatiha in every rak?a according to the Prophet?s saying to the nomad, who couldn?t offer his prayer correctly: ?Do this in all of your prayers.? An-Nawawi, ash-Shafi?iy and others, who thought that al-Fatiha must be recited in every rak?a of the prayers, couldn?t justify Abu Hurayra?s tradition unless by considering the Prophet?s saying ?Recite what is .easy of the Quran as possible as you can? to refer to al-Fatiha especially

It is obligatory among the Shia to recite a complete sura after al-Fatiha in the first [۹۵] two rak?as of the five wajib prayers. This had been confirmed by the Prophet (s) according to the tradition narrated by Abu Qatada and mentioned by al-Bukhari in his Sahih and

by others. It is possible among the Shia not to recite the second sura in some cases. Not reciting the second sura becomes obligatory when the time left for the prayer is very short or in some necessary cases. As for mustahab prayer, al-Fatiha only is obligatory. This means that reciting al-Fatiha is a condition determining the validity of .the prayer

[۹۶] Ma?moom is one, who offers the prayer behind an imam.

[۹۷] According to the Prophet?s saying: ?Who offers the prayer behind an imam, the imam?s reciting (of the Quran) will suffice him.? This tradition was mentioned in the jurisprudential books of the four Sunni sects. There was a saying related to Imam Ali and eighty of the great companions mentioned in the same books that the ma?moom was forbidden from reciting (Quran) in the prayer. In fact there was another saying showing that the prayer of the ma?moom would be invalid if he recited of the Quran after his imam. Among the Shia the strongest choice for the ma?moom is not to recite the Quranic suras in the first two rak?as of the soft-recited prayer and in the first two rak?as of the loud-recited prayers if the ma?moom can hear the reciting of the imam or even the humming of his reciting according to the Quranic verse (And when the Quran is recited, then listen to it and remain silent, that mercy may be shown to you) ۷:۲۰۴. When the ma?moom can?t hear the sound of his imam, he may recite the suras. In fact

.it will be mustahab for the ma?moom to recite them

[۹۸] Tassbeeh is saying (subhanal-lah-glory be to Allah- wel hamdu lillah-(and) praise be to Allah- wela ilaha illallahu-(and) there is no god but Allah- wellahu akbar-(and) .(Allah is great

[۹۹] As it was said by Imam as-Sindi in his commenting on the tradition of Sa?d .mentioned in al-Bukhari?s Sahih

[۱۰۰] .Saying (Allahu akbar). It is the necessary (key) for the prayer to be valid

۱۰۱-۱۷۰

[۱۰۱] The verse in Arabic is (wa (and) rabbaka (your god) fa-kabbir (say: Allahu akbar; .(Allah is great

[۱۰۲] Tahoor is either pure water used for wudu? or pure soil used for tayammum. .Tayammum is ablution with soil when there is no water

[۱۰۳] Tahreem is making the prayer as a sacred sanctum that saying or doing anything .else than the prayer?s parts during offering the prayer will be haram

[۱۰۴] .Tahleel means making one free from the restrictions of the prayer

[۱۰۵] Tasleem is saying (as-salamu alaykum wa rahmatullahi wa barakatuh) to end the .prayer

[۱۰۶] Qasr is a shortened form of prayer. Taqseer (infinitive) is offering the shortened .form of prayer (two rak?as instead of four) by a traveler

[۱۰۷] .It was mentioned in Muslim?s Sahih

[۱۰۸] .Al-Bukhari?s Sahih and Muslim?s Sahih

[۱۰۹] .Al-Bukhari?s Sahih

[۱۱۰] If a Muslim intends (it is called the intent of residence) to stay for ten days or

.more, he will offer full prayers

.Muslim?s Sahih [۱۱۱]

.The family of [۱۱۲]

The Hanafites agreed upon that qasr prayer was wajib for the traveler and if he [۱۱۳] ,offered tamam (full) prayer, he would be sinful because he delayed tasleem

which had to be done at the end of the second rak?a. They considered the other two rak?as as mustahab prayer because the wajib prayer must be the first two rak'as and .so they considered the full prayer in travel as invalid

[۱۱۴] Atonement or expiation: making repayment for some failure to act, harm done to .another, etc

[۱۱۵] .Makrooh means undesirable act

[۱۱۶] .(A surname of Prophet Muhammad (s

[۱۱۷] .She interpreted the verdict according to her own thinking

[۱۱۸] .Tawaf is circumambulation; turning seven times around the Kaaba

[۱۱۹] If the prayer of the traveler was two rak?as and this two-rak?a prayer was tamam and not qasr and that was said by the Prophet (s) as Omar witnessed, then how would it be valid when it was offered in four rak?as? Would worship be valid if it ?was opposite to the law of Allah

[۱۲۰] .Refer to al-Bidaya wen Nihaya by ibn Rushd

[۱۲۱] Farsakh is a unit of measurement. This distance is equal to eighty kilometers and six hundred and forty meters. It is equal to a travel of a day and a night according to the moderate movement of camels burdened with baggage. It is no matter for them if .the distance is a little less in a mile or two

[۱۲۲] Zahirites in Arabic means ?Literalists?), followers of an Islamic legal school that insisted on strict adherence to the literal text of the Quran and Hadith as the only .source of Muslim law

[۱۲۳] .Arafat, Muzdalifa and Mina are names of places near Mecca

[۱۲۴] Al-Bukhari?s Sahih vol.۱ chap. Prayer in

.Mina, Muslims Sahih, chap. Traveler?s prayer

Dr. Taha Husayn said in his book al-Fitnatul Kubra p.۱۷۸: ??then the Muslims criticized Othman when he violated the certain Sunna of the Prophet (s) and of Abu Bakr and Omar and of Othman himself in the first years of his caliphate. The Muslims criticized him when he offered tamam prayer in Mina whereas the Prophet (s) had offered qasr prayer. So had Abu Bakr and Omar. Othman himself offered qasr prayer in Mina some years of his caliphate. The Muslims discussed the matter with each other until Abdur Rahman bin Ouff came to Othman and said to him: ?Didn?t you offer two rak?as with the Prophet (s) here?? He said: ?Yes, I did.? Abdur Rahman said: ?Didn?t you offer two rak?as with Abu Bakr and Omar here?? He said: ?Yes, I did.? Abdur Rahman said: ? Didn?t you offer two rak?as when leading people in prayer here?? Othman said: ?Yes, I did.? Abdur Rahman said: ?Then why did you change the Sunna?? Othman said: ?I was informed that the nomads and rude people of Yemen said that the prayer of the resident was two rak?as.? Abdur Rahman said to him: ?Your fear is not justifiable. The Prophet (s) had offered two rak?as when Islam was still weak. Now Islam has spread ?.everywhere, so you don?t have to fear anything

[۱۲۵] An-Nawawi mentioned this saying of Malik in his book Sharh Sahih Muslim when .talking about the traveler?s prayer

[۱۲۶] .The distance of eight farsakhs is about forty-four kilometers

[۱۲۷] .Not slave

[۱۲۸] Kitabi means

.a Jew or a Christian

.If she doesn?t undergo menopause yet [١٢٩]

.And there is no iddah for the woman undergoing menopause [١٣٠]

Whether she is slept with or not, whether undergoes menopause or not, whether [١٣١] pregnant or not. The iddah of the pregnant wife when her husband dies in both kinds of marriage is the longest of the two periods; either by giving birth to her child or after .passing four months and ten days since the death of the husband

Many historians mentioned this in their books such as Imam At-Tabari in his [١٣٢] Tafseer, vol.٥ when talking about this verse, az-Zamakhshari in his Kashashaf, an-.Nawawi in his book Sharh Sahih Muslim and ar-Razi in his Tafseer vol.٣ p.٢٠١

.You will see this man?s saying soon inshallah [١٣٣]

.Refer to at-Tabari?s Tafseer vol.٥ p.٩ [١٣٤]

.Mulk al-yameen; the bondmaids that one had [١٣٥]

.Vol.١ p.۴۶٧ [١٣۶]

Would that I knew or anyone knew if there was any justification out of this word [١٣٧] that might lead to prohibiting temporary marriage! Did Omar think that temporary !marriage concerned the Prophet (s) only? I didn?t think so

.Vol.١ p.۵٢ [١٣٨]

He said that they were at the time of the Prophet (s) but only Omar himself knew [١٣٩] !why he had prohibited them

.Vol.١ p.۵٣۵ [١۴٠]

.Just at the first years of the caliphate of Omar because later on he prohibited it [١۴١]

His saying ?we used to practice temporary marriage? showed that the [١۴٢]

companions used to do that and the Prophet (s), Abu Bakr and Omar, before he .prohibited it, knew about it

It became clear [۱۴۳]

that prohibiting temporary marriage was determined by Omar and neither by Allah nor by His messenger (s). Refer to ar-Razi?s Tafseer when talking about the verse of .temporary marriage

[۱۴۴] Hayya ala khayril amal is a part of the azan. It means: come to the best of doings!

[۱۴۵] Ijtihad is examining the legal evidences in order to get a religious verdict.

[۱۴۶] Mentioned by az-Zarqani in Sharh Muwatta? Malik.

[۱۴۷] Refer to Sharh Nahjol Balagha, vol.۴ p.۴۸۹.

[۱۴۸] vol.۲ p.۹۵.

[۱۴۹] The second or third page in chap. of marriage.

[۱۵۰] He meant that their wives were not with them.

[۱۵۱] He was one of the Abbasid caliphs.

[۱۵۲] This was the saying of Omar.

[۱۵۳] Abu Haneefa, Malik, ash-Shafi?iy and Ahmad bin Hanbal; the imams of the four Sunni sects.

[۱۵۴] Fakhruddeen ar-Razi talked about them in his Tafseer when explaining the verse of wudu?. He said that as if they became confused because of the contradiction between the verse and the traditions they depended upon; therefore they determined to perform both washing and wiping.

[۱۵۵] Like al-Hasan al-Basri and Muhammad bin Jareer at-Tabari. Ar-Razi talked about them in his Tafseer and showed that they thought that both the Quran and the Sunna (the traditions they depended upon and thought they were true) must be followed and so they thought that both of washing and wiping were required, hence they said it was obligatory to choose one of them optionally.

[۱۵۶] This was the belief of ibn Abbas, Anass bin Malik, Akrima, ash-Shi?bi and Imam

Baqir as it was mentioned by ar-Razi in his Tafseer. This

.(was not only the belief of Imam Baqir but also it was the belief of all our imams (s

[۱۵۷] .At-Tafseer al-Kabeer vol.۳ p.۳۷۰

[۱۵۸] Precaution doesn?t occur except by performing both of washing and wiping .because they are two different acts

[۱۵۹] Washing means the pouring water over the object being washed even if it is a little whereas wiping doesn?t mean pouring water but it is just to rub the wiped object .by the hand

[۱۶۰] .Refer to Ghunyatul Mutamalli p.۱۶

[۱۶۱] Refer to Sharh Sunan ibn Maja vol.۱ p.۸۸. Those, who declared like what ar-Razi, al-Halabi and as-Sindi had declrared, were many that we couldn?t quote all the sayings about the subject. The sayings of these three imams (may Allah have mercy .upon them) were enough for us

[۱۶۲] This phrase (woe be to the heels from Hell) was mentioned in the traditions narrated by Amr, Aa?isha and Abu Hurayra according to al-Bukhari and Muslim?s .Sahihs

[۱۶۳] .It was mentioned by al-Bukhari in his Sahih

[۱۶۴] .Mentioned by Muslim in his Sahih

[۱۶۵] .Kanzul Ommal vol.۵ p.۱۰۳

[۱۶۶] .Ibid

[۱۶۷] Mentioned by ibn Maja in his Sunan when talking about washing the feet and .mentioned by others

[۱۶۸] Ibn Hajar al-Asqalani said in his book al-Issaba, vol.۱ when mentioning the biography of Tameem bin Zayd that all of them were trusted and reliable. So was said .by the authors of the books of Hadith when mentioning them

Therefore you see the barefooted ones, the farmers and those, who don?t care [١۶٩] much for the purity of their feet during working, wash their feet when the

.time of prayer comes and wipe them, in wudu?, after being dried

!He wanted to submit the holy Quran to his doctrine and not vice versa [۱۷۰]

۱۷۱-۲۲۴

.Abu Hayya was just a surname [۱۷۱]

.Mentioned by ath-Thahabi in his Mizan [۱۷۲]

Refer to Mizanul I?tidal and other books of biographies when talking about Omar [۱۷۳] .bin Abdullah as-Subay?iy, Abu Iss~haq?s full name

.Mizanul I?tidal by ath-Thahabi when talking about Abu Hayya [۱۷۴]

Imam Ahmad said: ?Zuhayr bin Mo?awiya was reliable but there was weakness in [۱۷۵] what he narrated from Abu Iss~haq. Abu Zar?a said: ?Zuhayr bin Mo?awiya was reliable but he narrated from Abu Iss~haq after he had become dotard. Ath-Thahabi said: ?The weakness in Zuhayr?s traditions was because of Abu Iss~haq and not of ?.Zuhayr

In a tradition mentioned by Sheikh at-Toosi that they asked Imam Baqir (s): ? [۱۷۶] Where are the ankles?? He said : ?Here are they.? He meant the joints beneath the .legs

He said that Imam Baqir had imitated the wudu? of the Prophet (s) and then he [۱۷۷] .wiped his head and the back of his feet to the joints of his legs

It was mentioned in the verse ?ka?bayn? that meant two ?ka?bs? (two ankles) [۱۷۸] .(whereas with the hands it was said ?marafiq? (more than two marfaqs-two elbows

Muhammad bin al-Hasan ash-Shaybani and al-Asma?iy said that the ?ka?b? [۱۷۹] mentioned in the verse was this bone, which was beneath the bone of the leg. Al-Asma?iy said: ?The two protruding bones on both sides of the leg are called (manjamayn).? Ar-Razi thought that this was the

belief of the Shia so he confuted them by saying that the round bone beneath the bone of the leg was hidden and not known except by the anatomists unlike the two protruding bones on both sides of the leg that they were apparent and the evidences of the general (religious) obligations must be apparent and not hidden. When ar-Razi saw the Shia wipe their feet to the ankles, he thought that they believe in what ash-Shaybani and al-Asma?iy had said and he didn?t know that the ?ka?b? according to .the Shia was the very joint, which was known and perceptible by every one

.Refer to Bidayatul Mujtahid and Nihayatul Muqtasid by ibn Rushd, vol.۱ p.۱۴ [۱۸۰]

.This was the belief of ash-Shafi?iy [۱۸۱]

.?This was the belief of ibn Nafi [۱۸۲]

.This was the belief of Abu Haneefa, Dawood, Sufyan and many others [۱۸۳]

.This was the belief of Ashhab [۱۸۴]

Sufyan ath-Thawri, Abu Yousuf and Muhammad bin al-Hasan ash-Shaybani [۱۸۵] .permitted it whereas Abu Haneefa, ash-Shafi?iy and others prohibited it

.It was mentioned that Sufyan had said so [۱۸۶]

.This was one of two sayings of ash-Shafi?iy about the subject [۱۸۷]

It was mentioned that this was the belief of Malik and his companions. Abu [۱۸۸] Haneefa specified the tear by being less than an area of three fingers gathered .together

.This was said by Malik [۱۸۹]

.This was the belief of Abu Haneefa and ash-Shafi?iy [۱۹۰]

.Mentioned by ibn Lubana in his Muntakhab [۱۹۱]

.Abu Haneefa said it was sufficient but ash-Shafi?iy said it was not [۱۹۲]

.Dawood and ibn Layla thought so [١٩٣]

This was [١٩٤]

.the belief of al-Hasan bin Hay

Ash-Shafi?iy said so. Each one of these three sayings was adopted by a group of [١٩٥] .the successors

.Refer to at-Tafseer al-Kabeer by al-Fakhr ar-Razi, vol.٣ p.٣٧١ [١٩٦]

.Ar-Razi?s Tafseer vol.٣ p.٣٧١ [١٩٧]

Ibn Rushd in his book al-Bidayah wen-Nihaya, vol.١ p.١٥ acknowledged this [١٩٨] contradiction concerning the position of wiping over the slippers. In p.١۶ he mentioned their disagreement about the time of wiping. He said: ?The reason behind their disagreement was because the traditions were different in talking about the subject. Three different traditions were narrated in this concern.? He mentioned the three traditions; one of them showed that the time was three days and three nights for the traveler and one day and one night for the resident. The second showed that it was permissible to wipe over the slipper according to one?s option without timing whether in residence or in travel whereas the third one contradicted the two previous sayings. Refer to (Jurisprudence according to the four sects) established by the ministry of religious affairs in Egypt by the order of King Fu?ad the first to see full details about he .subject

Many scholars mentioned the identical belief of all of the infallible imams (s). [١٩٩] Refer to al-Burhan al-Qati? by Sayyid Ali at-Tabataba?iy. All the Shia looked forward to be near to Allah by worshipping Him according to the doctrine of the pure imams of the Prophet?s progeny since their days until now because they were the best ones, who knew well the real religious verdicts and the true

.Islamic jurisprudence

.Al-Hakim?s Mustadrak, vol.٢ p.٣١۴ [٢٠٠]

An-Nawawi said when commenting on this saying: ?Allah said in al-Ma?ida: (wash [٢٠١] your faces and your hands as far as the elbows and wipe your heads and your feet to the (two) ankles). If Jareer became a Muslim before the revelation of al-Ma?ida, it would be possible that his tradition was annulled by the verse mentioned in al-Ma?ida but since he became a Muslim after the revelation of the sura, then his tradition would be valid?? How could we decide that he became a Muslim after the revelation of al-?Ma?ida whereas we showed that al-Ma?ida was revealed lastly

Al-Bukhari mentioned that some of the verses of al-Ma?ida were revealed to the [٢٠٢] .Prophet (s) while he was on his sumpter during the farewell hajj

As it was mentioned by al-Bukhari in his Sahih. So was said by an-Nawawi in his [٢٠٣] .ar-Rawdha

Refer to Ar-Razi?s Tafseer vol. ٣ p.٣٧١ to see the sayings of Aa?isha and ibn [٢٠۴] .Abbas

Atta? said, as it was mentioned by ar-Razi in his Tafseer vol.٣ p.٣٧٢: ?Ibn Omar [٢٠۵] objected to the people about wiping over the slippers but he didn?t die until he agreed with them.? But his objection to Sa?d when he saw him wipe over the slippers was .fixed in al-Bukhari?s Sahih

.Refer to ar-Razi?s Tafseer vol.٣ p.٣٧٢ and the other books of jurisprudence [٢٠۶]

Al-Karkhi had said that as it was mentioned by al-Qastalani in his Irshad as-Sari [٢٠٧] .vol.٢ p.۴

Mentioned in al-Bidaya wen Nihaya by ibn Rushd and at-Tafseer al-Kabeer by [٢٠٨] .ar-Razi

Al-Bidaya [٢٠٩]

.wen Nihaya by ibn Rushd vol.١ p.١٠

.?Bani means ?the tribe of? or ?the family of [٢١٠]

.Refer to ibn Sa?d?s Tabaqat vol.۴ p.٢۵ [٢١١]

To see the details, refer to Wafiyyat al-A?yan by ibn Khillikan and all the books of [٢١٢] .the historians, who wrote about the events of the year seventeen A.H

Since the Prophet (s) used to wipe his forelock so the Shia were satisfied with [٢١٣] wiping this part of the head as possible but one could wipe more area of the head as .he liked

In the Arabic text of the verse there is a preposition before the phrase (your [٢١۴] .heads). It has a sense of partialness

.Bidayatul Mujtahid vol.١ p.١١ [٢١۵]

.Undesirable act [٢١۶]

The Shia stipulated order in the very organs of wudu? themselves. They said it [٢١٧] was obligatory to wash the upper parts before the lower parts imitating their infallible .imams and acting according to their traditions

It means to perform the acts of wudu? one after the other immediately without a [٢١٨] .long period of time between them in order to show that wudu? is one unit

.Obligatory bathing that is required after certain acts or occurrences [٢١٩]

Pure water means the water that is not mixed with any other liquid or matter that [٢٢٠] .may change its original aspects

Hadath is any condition requiring wudu? or ghussl such as excretion, making [٢٢١] water, wet dreaming or making love. Minor hadath means excretion, making water or .farting. Major hadath refers to wet dreaming or making love

It is meant by juice here the mixture of water [٢٢٢]

and dates or water and raisin to make the water taste sweet. There are two kinds of such juice; intoxicating and non-intoxicating. Definitely the intoxicating kind is haram. .What is meant here is the non-intoxicating kind

Not to be mixed with any other liquid or matter that may change its original [۲۲۳] .aspects

This saying of Abu Haneefa was so famous. It was mentioned by ibn Rushd in his [۲۲۴] Bidayatul Mujtahid, by ar-Razi in his Tafseer vol.۳ p.۳۷۵ and by as-Sindi in his .comments on ibn Maja?s Sunan

.Refer to al-Bukhari?s Sahih [۲۲۵]

.Ibn Rushd?s Bidayatul Mujtahid and ar-Razi?s Tafseer vol.۳ p.۳۷۵ [۲۲۶]

.Al-Bukhari?s Sahih [۲۲۷]

Abdullah bin Amr bin al-Aass said that performing wudu? with seawater was not [۲۲۸] permissible. It was mentioned by ar-Razi in his Tafseer when interpreting sura of al-Ma?ida.

one of the earliest Islamic sects to believe in the postponement of judgment on [۲۲۹] committers of serious sins, recognizing God alone as being able to decide whether or .not a Muslim had lost his faith

.The literary meaning of tahoor is purifier [۲۳۰]

Refer to Sharh Sahih al-Bukhari by al-Qastalani and Sharh Sahih al-Bukhari by [۲۳۱] .(Zakariyya al-Ansari vol.۲ p.۴۳. (Two books printed together

Wudu? was mustahab before the revelation of this verse and tayammum was [۲۳۲] .not legislated until this verse was revealed after the hijra

Al-Qastalani mentioned in his Irshad as-Sari vol.۲ p.۴۴: ?For the Hanafites it was [۲۳۳] not permissible to perform wudu? with pure milk but if it was mixed with some water ?.then it would be permissible

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ٩

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ٢٠٠٧, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

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:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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